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ABSTRACT

Concerned with the problems of low representation of minority groups in the craft unions in the building trades, this study examined the journeymen admission policies of 17 national craft unions and 98 local affiliates as provided in their national and local constitutions and in their national and local apprenticeship standards under the program of the Bureau of Apprenticeship and Training. Several court cases which have dealt with this problem under Title VII of the Civil Rights Act of 1964 have also been analyzed. Some conclusions were: (1) National unions appear to exercise a great deal of constitutional control over local union practice as far as qualifications for admission as a journeyman are concerned, (2) The union constitutions, both national and local, provide very little information on qualifications for apprenticeships, (3) Local unions have more autonomy in establishing their apprenticeship requirements than they do in establishing the qualifications for journeyman membership, and (4) The Federal Courts have set aside admission and apprenticeship requirements which have been discriminatory and have decreed that all such requirements must be objective in character and nondiscriminatory. A listing of the unions and tables containing comparative data on admission requirements are appended. (SB)

Admission and Apprenticeship in the Building Trades Unions

U.S. DEPARTMENT OF LABOR
Labor-Management Services Administration

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Admission and Apprenticeship in the Building Trades Unions

U.S. DEPARTMENT OF LABOR
J.D. Hodgson, Secretary

LABOR-MANAGEMENT SERVICES ADMINISTRATION
Office of Labor-Management Policy Development

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PREFACE

From the very beginning of the labor movement in this country, one aspect of the effort of the organized craftsman to maintain his place in the labor market was the apprenticeship system. Apprenticeship did not originate with unions -- it goes way back in human history -- but under the auspices of the unions it did prove a potent means of not only training the young worker in a skill but also in influencing his thinking along the lines of job protection through the collective action of the union.

Apprenticeship alone, however, did not always provide the union with sufficient protection of its job territory. Men acquired skills outside of the apprenticeship system and were a threat to the union unless they too were admitted into membership. The unions thus developed two admission roads. The apprenticeship road remained, but admission as a journeyman developed as the second road.

When the local craft unions combined and developed into national unions, it was only natural that the national should seek to develop some uniformity or provide some guidance to their locals on standards for the admission of youths to apprenticeship programs and for admission of adult workers as journeymen. Much later, the Federal government became interested in apprenticeship and still more recently the questions of apprenticeship and admission as journeymen became part of the whole problem of equal employment opportunity.

This study is designed to illuminate the current national union requirements for apprenticeship and admission as journeymen in the craft unions in the building trades, the standards set forth in the apprenticeship programs approved by the U.S. Department of Labor, and the impact of Federal court decisions in this area.

This study was conducted by Roger A. Comer and Herbert J. Lahne, Chief of the Division of Research and Analysis.

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I. INTRODUCTION

Historical interest in admission policies of unions dates back to the early unions which were virtually all craft unions with a tradition of apprenticeship. At first, "apprenticeship was regulated by public law, then by rules established by each trade and still later by cases and 'laws' promulgated unilaterally by the unions." 1/

The public interest in admission policies of unions and apprenticeship programs has continued, though not on any sustained basis. At times, it continued mainly as an interest of academicians. 2/ At other times the legal profession has become interested through cases involving the attempts by nonmembers to gain admission as a condition of access to jobs or for readmission after expulsion and the loss of employment opportunities. 3/

Most recently the problem of minority group employment and their low representation in the membership of the craft unions, particularly the unions in the building trades, has rekindled the interest in

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1/ Jack Barbash, "Union Interests in Apprenticeship and Other Training Forms," Journal of Human Resources, Vol. 3, IV, 1, Winter 1968.

2/ See James M. Motley, Apprenticeship in American Trade Unions, (Baltimore: John Hopkins Press, 1907); Paul H. Douglas, American Apprenticeship and Industrial Education, (New York: Columbia University, 1921); Frank Eugene Wolfe, Admission to American Trade Unions, (Baltimore: Johns Hopkins Press, 1912); Herbert R. Northrup, Organized Labor and the Negro, (New York: Harpers, 1944); Sumner H. Slichter, Union Policies and Industrial Management, (Washington: Brookings Institution, 1941).

3/ See Clyde Summers, "Admission Policies of Unions," Quarterly Journal on Economics, Vol. LXI, No. 1, November 1966.

apprenticeship and admission to the unions. With the passage of the 1964 Civil Rights Act it became an unlawful employment practice for a labor organization to discriminate in its admission and membership policies, or in its policies on apprenticeship, training, and retraining, because of race, color, religion, sex or national origin. 4/

The concern of the Federal government has been expressed not only in the above Act, but also in the awarding of government contracts. Superseding previous executive orders, the recent principal impetus for the concern over nondiscrimination in government contracts started with Executive Order 11246, 5/ and the subsequent formation of the Office of Federal Contract Compliance. The order requires the contract to provide that contractors will not discriminate in Federal contract work on the basis of race, color, religion, sex or national origin, and requires contractors to take affirmative action to insure equal job opportunity. 6/ Affirmative action requires the contractor to do more than merely passively support nondiscrimination. A contractor must, pursuant to the order, develop and maintain on his premises a written affirmative action program which outlines the positive steps to be taken to put qualified, or potentially qualifiable minority members on the payroll. 7/ Various affirmative action programs may include, but are not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment

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4/ Title VII, 1964 Civil Rights Act, Sec. 703(c)(d).
5/ Executive Order 11246, September 24, 1965, as amended by Executive Order 11375, October 17, 1967.
6/ Ibid., Sec. 202(1).
7/ Letter from Attorney General John Mitchell to Secretary of Labor George Shultz, September 22, 1969, p. 3; also, 41 CFR 60-1.40.

advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. 8/

In order to comply with this order, the Workers Defense League and the National Urban League, together with the AFL-CIO and the Building and Construction Trades Department and other groups, began various Apprenticeship Outreach programs which make specific attempts to get minority workers into apprenticeship training by recruiting, screening, tutoring, and referring such applicants. These programs have had some success in training minority groups for employment. By September 30, 1970, some 8,000 minority workers were indentured in the building trades as a result of this program. 9/

The government, however, sought an even greater role in promoting equal employment opportunity. In June of 1969, the Department of Labor issued the revised Philadelphia Plan, which called for an affirmative action program that set specific goals of minority manpower utilization. 10/ Ranges for minority group employment within six skilled crafts 11/ were established by the Secretary of Labor in September 1969 on the basis of minority group

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8/ E.O. 11246, Sec. 202(1), as amended by E.O. 11375, October 17, 1967.

9/ According to figures released November 30, 1970 by the Bureau of Apprenticeship and Training of the Manpower Administration, U.S. Department of Labor. The data include some disadvantaged nonminority workers.

10/ Order issued on June 22, 1969 by Assistant Secretary of Labor Arthur A. Fletcher to the Heads of Agencies outlining a "Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction." Sec. 6 of the Order provides for the determination of definite standards in terms of ways of minority manpower utilization.

11/ The Philadelphia Plan applies only to six crafts of the building trades -- iron workers, steamfitters, sheetmetal workers, electricians, elevator construction workers, plumbers and pipefitters.

participation, availability, and other labor force factors. 12/ The plan was not to be used to discriminate against any qualified applicant 13/; however, a contractor in failing to meet the goals and standards set down by the Secretary of Labor, must show that a good faith effort was made to meet these standards.

An important part of the Philadelphia Plan includes a commitment from the Department of Labor's Manpower Administration to provide expanded apprenticeship outreach training and new programs in work-related training to emphasize the need to upgrade skills of minority people with some previous construction experience. 14/

The concern of the government with minority employment in the building trades covers not only apprenticeship programs of the unions, but also the admission by the union of workers who have not served an apprenticeship but who may be qualified as journeymen. One of the major determinants of the opportunity for union admission for people not serving apprenticeship is the state of the job market. In periods of high employment, unions would more often admit men into membership without having them serve an apprenticeship provided the man was properly qualified. When jobs were scarce, however, unions would rely more heavily on apprenticeship as a condition for admission, thus keeping the labor supply as small as possible. 15/

12/ Order issued on September 23, 1969, by Assistant Secretary of Labor Arthur Fletcher outlining "Establishment of Ranges for the Implementation of the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction." A substantially similar plan has been set up for the Washington, D.C. metropolitan area.

13/ Revised Philadelphia Plan, Sec. 8(b)(2).

14/ Statement by Assistant Secretary of Labor Arthur Fletcher, September 23, 1969. USDL 10-696.

15/ George Strauss, "Unions in the Building Trades, A Case Study," The University of Buffalo Studies, Volume 24, Number 2, June 1958, p. 95.

A 1907 study in fact noted that the requirement of the completion of apprenticeship was not an absolute prerequisite for union membership. If the applicant was able to command the standard rate of wages, he experienced little difficulty in gaining admittance to the union, regardless of the way in which he had acquired the skill. 16/ Similarly, in recent years, despite the apprenticeship tradition of craft unions, there is evidence that a large percentage of members are admitted who have learned the trade in a way other than through apprenticeship. Needed skills may be acquired by working as a laborer, helper, or other related worker, and learning through observation and working alongside a skilled craftsman. Related jobs, or similar jobs in nonunion firms, the military, vocational education, or farm work may also be methods of training for journeyman in lieu of apprenticeship. 17/ In 1959, the Bureau of Apprenticeship and Training of the Department of Labor indicated that "only about 10% of the additional journeymen needed for the 1960-70 period would be provided through apprenticeship, if the industry continued its apprenticeship program at 1959 rates." 18/ Several studies have shown that anywhere from 30 percent of electricians to 80-85 percent of carpenters become journeymen without serving an apprenticeship. The percentages of journeymen serving no apprenticeship for the rest

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16/ Motley, op. cit., p. 104. This applied to all unions having apprenticeship programs, including the building trades.

17/ George Strauss, "Apprenticeship: An Evaluation of the Need," in Arthur M. Ross (ed.), Employment Policy and the Labor Market, (Berkeley and Los Angeles: University of California Press, 1965).

18/ Bureau of Apprenticeship and Training, Manpower Requirements and Training Needs in Construction Occupations, 1960-1970, December 1959.

of the building trades appear to be between these figures. 19/ Although these studies were for selected geographic areas, it appears fair to say that a substantial portion of journeymen (varying as between the different crafts) have not served an apprenticeship, but have gained journeyman status through other channels.

Against this background, we will study the admission policies of the building trades by examining the rules for admission of workers to the union as journeymen and to the apprenticeship program. The sources included the constitutions of 17 national craft unions 20/ affiliated with the Building and Construction Trades Department of the AFL-CIO and 98 local constitutions and bylaws of locals affiliated with these unions. 21/ The locals included in the analysis were randomly selected and the number chosen from each national union was in direct proportion to the number of locals that each national had filing under the Labor-Management Reporting and Disclosure Act. The national and local constitutions and bylaws studied are those that were in effect in December 1967, according to the reports filed with the Department of Labor pursuant to the requirements of the LMRDA. Other source materials are national and local apprenticeship

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19/ See studies by Howard G. Foster, "Nonapprentice Sources of Training in Construction," Monthly Labor Review, Vol. 93, No. 2, February 1970, pp. 21-27; Employment Distribution Study of the Construction Industry in Michigan, State of Michigan, Civil Rights Commission, July 1966.

20/ This excludes the Laborers' International Union of North America because this union is not generally considered a craft union.

21/ In regard to the qualifications for admission as a journeyman, it should be pointed out at this time that many of the union constitutions included in the analysis, both national and local, contained membership bars, that is, provisions explicitly prohibiting

standards under the program of the Bureau of Apprenticeship and Training, as well as several court cases which have dealt with the problem of minority employees in the building trades under Title VII of the 1964 Civil Rights Act.

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certain types or groups of individuals from obtaining union membership. Examples are the banning of communists and subversives, groups with a conflict of interest (employers, etc.), and dual unionists. This study includes only positive qualifications for membership, excluding therefore all membership bars such as those mentioned above.

II. QUALIFICATIONS FOR ADMISSION AS JOURNEYMAN IN THE BUILDING TRADES UNIONS

The right of a worker to join a union is, in the first instance, governed by the parent or national union, for its constitution and bylaws are binding on all local unions. Detail on provisions for admission as journeyman, as specified in both national and local constitutions, will be found in Appendix Table 1.

Work Experience or Competence

The most frequently occurring qualification for admission as a journeyman, found in 15 of the 17 national constitutions studied, was a provision that an applicant must be working at the trade or have had a certain amount of experience at the trade or at a certain type of work, or must be competent to command the union wage.

Only 4 of the 15 constitutions required specified periods of experience at the trade. These are the Lathers, Painters, Plasterers, and the Plumbers. 22/ A typical provision is found in the Painters constitution.

> "Any person to be admitted to membership in this Brotherhood must have followed one of the branches of the trade for three years as enumerated in this Constitution . . ." 23/

22/ See Appendix for short form and full titles of national union names.

23/ Painters, 1965 constitution, Sec. 88(a), p. 44.

Actually the number of years of experience at the trade specified by these unions was virtually identical (or identical) to the period of apprenticeship required. The number of years of experience at the trade was 2 years in the Lathers (a minimum of 2 years apprenticeship period), 3 years in the Painters (apprenticeship period was 3 consecutive years), a minimum of 3 years in the Plasterers (identical to the apprenticeship period), and a minimum of 5 years in the Plumbers (apprenticeship period was 5 years).

The other 11 national constitutions either required experience at the trade without specifying a definite time period, or competency to command the union scale. Eight of the 11, the Asbestos Workers, Boilermakers, Electrical Workers, Operating Engineers, Marble Polishers, Roofers, Sheet Metal Workers, and Stone Cutters required experience at the trade without specifying a definite time period; 3 others, the Bricklayers, Carpenters, and Iron Workers, required competence to command the union scale.

In addition, two unions, the Lathers and the Painters, which required specified periods of experience, also specified that applicants must be competent to command the union scale.

As far as local provisions are concerned, only 12 of the 98 local constitutions analyzed contained provisions on work experience or competence which added to or differed from in some way the basic qualifications, if any, contained in the national constitutions. The Elevator Constructors have no national requirement on work experience, but four of their locals required that an applicant must have worked at least 1 month at the trade with a member who has vouched for him.

A very interesting provision was found in one local of the Operating Engineers and in one local of the Plumbers. Both of these locals require

applicants for admission as journeymen to be licensed, although neither the Operating Engineers nor the Plumbers national constitution contains such a provision. Both these provisions appeared to be legal requirements for the type of work performed by members of these particular locals.

One local in the Bricklayers required 3 years experience at the trade, while the Bricklayers nationally did not specify a definite time period but only that an applicant must be competent to command the union scale.

One local in both the Electrical Workers and the Roofers required 5 years experience at the trade, unlike their respective national unions, which required experience at the trade but did not specify a definite period of time.

The Marble Polishers national constitution required work experience at the trade without specifying a definite period of time; the one local of the Marble Polishers requiring work experience provided that applicants must be competent to command the union scale.

As previously mentioned, the Plumbers national constitution required a minimum of 5 years experience at the trade in order to attain full union membership. However, neither of the two Plumbers locals containing a work experience requirement specified such a provision, but did require that applicants be competent to command the union scale.

In the Stone Cutters one local contained a provision that it would not admit anyone who has not served an apprenticeship, while the Stone Cutters national constitution required experience at the trade but did not specify a definite period of time.

Approval by Membership

Thirteen national union constitutions specifi that applicants for admission as a journeyman must be approved by a vote of the local membership, usually at a regular membership meeting. These unions are the Asbestos Workers, Bricklayers, Carpenters, Electrical Workers, Operating Engineers, Granite Cutters, Iron Workers, Marble Polishers, Painters, Plasterers, Plumbers, Sheet Metal Workers, and Stone Cutters. A typical provision is found in the Asbestos Workers constitution.

> "An applicant can only attain membership by a majority vote taken by secret ballot at a regular scheduled meeting of a local union." 24/

There were 14 local constitutions analyzed which specified that applicants must be approved by a vote of the local membership though this was not specified in their national constitutions. Five of these were Boilermakers locals, four were Elevator Constructors locals, four were Lathers locals, and one was a Roofers local.

Examination

Twelve of the 17 national constitutions studied specified that applicants for membership as a journeyman must pass an examination before being admitted to union membership. The examination is a must in the Asbestos Workers, Iron Workers, Lathers, Painters, Plasterers, and Plumbers; it is optional with the locals in the Carpenters, Electrical Workers, Operating Engineers, Roofers, and Sheet Metal Workers; while in the Bricklayers it is necessary only if complaint is made as to the applicant's ability.

24/ Asbestos Workers, 1967 constitution, Art. III, Sec. 2, p. 6.

The Plumbers is a typical example of an examination being required in order to attain union membership. An applicant in this union must pass ". . . a satisfactory examination as to his skill and ability as a Building and Construction Trades journeyman, conducted by the Examining Committee of the Building and Construction Trades Local Union . . ." 25/

The Electrical Workers constitution does not require that an applicant must take an examination, but leaves it solely to the option of the local union as to whether or not an exam is given.

> "Any worker coming under the I.B.E.W.'s jurisdiction, . . . is eligible to membership, provided he passes a satisfactory examination when required to do so by the L.U." 26/

Thirty of the 98 local constitutions contained provisions relating to examinations which differed from or added to in some way those specified in national constitutions. Nine of the 30 were Electrical Workers locals, 5 were Roofers locals, and 3 were Carpenters locals; these 17 made an examination mandatory for all applicants, though their national constitutions simply made the examination optional with the locals.

Conversely, in the Plasterers union, which nationally has a mandatory examination requirement, three locals specified only that the examination "may" be required.

Four of the 30 locals which had provisions on examinations which differed from those in their respective national constitutions were Bricklayers locals. These locals differed from the national in that all four provided for an examination even if no complaint was made as to the applicant's ability.

25/ Plumbers, 1967 constitution, Sec. 158(3), p. 73.
26/ Electrical Workers, 1966 constitution, Art. XXI, Sec. 1, p. 67.

The remaining six locals, four Elevator Constructors, one Boilermakers, and one Marble Polishers, all provided for an examination, although the national constitutions of these unions were silent on this matter.

Good Moral Character

Ten national union constitutions, the Asbestos Workers, Carpenters, Electrical Workers, Operating Engineers, Iron Workers, Marble Polishers, Painters, Plumbers, Roofers, and the Sheet Metal Workers, provided that all applicants for admission as a journeyman must be of good moral character. None of the 10, however, defined what good moral character means. The Asbestos Workers constitution contained a typical provision.

> "All persons of good moral character . . . at work (as Mechanics, Improvers or Apprentices) . . . are eligible for membership." 27/

Only five local constitutions contained provisions on good moral character which differed in any way from those specified in the national constitutions. Four of the five were Elevator Constructors locals, and one was a Bricklayers local; the national constitutions of these five local unions did not contain any provisions on good moral character at all.

Nomination or Endorsement by Members

Another common provision in the area of membership admission is one requiring applicants to be nominated or endorsed or vouched for by existing union members. Nine national union constitutions have such a provision.

27/ Asbestos Workers, 1967 constitution, Art. III, Sec. 1, p. 5.

They are the Boilermakers, Bricklayers, Carpenters, Granite Cutters, Iron Workers, Marble Polishers, Painters, Sheet Metal Workers, and the Stone Cutters. A typical example is the Boilermakers whose constitution provides that:

> "All applications for membership shall be made on blanks in the form as prescribed by the International Secretary-Treasurer . . . and endorsed by a member in good standing." 28/

The national constitutions usually did not supply further detail in this area with one exception, namely, the Carpenters constitution, which calls for a voucher from members as to the applicant's "fitness" to become a member.

Locally, 27 of the 98 constitutions analyzed specified provisions on nomination or endorsement by union members which differed in some way from those specified (if any) in the national constitutions of these locals. However, 26 of the 27 locals were affiliated with national unions whose constitutions did not contain any provisions in this area at all. Seven of the 27 were Plumbers locals, 5 were Lathers locals, 4 each belonged to the Elevator Constructors, Plasterers, and Roofers, and 1 each belonged to the Asbestos Workers and the Operating Engineers.

And finally, one Sheet Metal Workers local specified that an applicant must have his application signed by two members of the local executive board, while the national was not nearly as restrictive, specifying only that all applications must be signed by any two members in good standing.

28/ Boilermakers, 1965 constitution, Art. XXIV, Sec. 2, p. 103.

Citizenship

Seven of the 17 national constitutions studied required an applicant to be a citizen of the United States or Canada or of the country in which the local is chartered or to have declared his intention of becoming a citizen. These seven are the Asbestos Workers, Bricklayers, Carpenters, Lathers, Marble Polishers, Roofers, and Stone Cutters.

The Plumbers national constitution did not specify that applicants for membership must be citizens. However, one Plumbers local did contain a citizenship requirement, and this was the only local out of the 98 included in the analysis which contained a provision on citizenship that differed in some way from that contained in the national constitutions.

In addition, one union, the Plasterers, had no national requirement, but specifically allowed a local to reject an alien who had not filed his intention to become a citizen.

Age

Only three national constitutions specified an age requirement for admission to membership as a journeyman. These were the Carpenters (17), the Electrical Workers (16), and the Elevator Constructors (18). One other union, the Boilermakers, required applicants to have attained the minimum working age prescribed by statutory law.

Five local constitutions analyzed specified an age requirement for admission to membership which was not specified in the national constitutions of these locals. Three of these were Marble Polishers locals, one was an Asbestos Workers local, and one was a Roofers local. The local

ages specified were: Asbestos Workers, 18; Marble Polishers, two at 18 and one at 20-60; and Roofers, 18.

Education

Only one national constitution specified a minimum amount of education for admission to membership as a journeyman. This was the Elevator Constructors which provided that:

> ". . . all applicants shall have at least a high school education or its equivalent." 29/

Likewise, only 1 local constitution out of the 98 included in the analysis required a certain minimum amount of education as a qualification for membership. This local was an Asbestos Workers local, which required a high school diploma as a condition of membership.

Other Qualifications

Three national constitutions and nine local constitutions contained qualifications for admission which did not fit into any specific classification and which were classified under "Other" in Appendix Table 1. The three national unions were the Asbestos Workers, the Elevator Constructors, and the Granite Cutters.

The Asbestos Workers specified that all applicants for journeyman membership in a local must be approved by the national union.

The Elevator Constructors required all applicants for membership to be investigated by the International Secretary-Treasurer. One local of

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29/ Elevator Constructors, 1966 constitution, Art. IX, Sec. 1, p. 29.

the Elevator Constructors required an applicant to submit a doctor's certificate as proof of his physical fitness -- a requirement not in the national constitution.

In the Granite Cutters national constitution an applicant for membership, if required by the local, must present a card showing his standing in a granite cutters' organization elsewhere, or a certificate showing that a regular apprenticeship has been served at the trade. One local of the Granite Cutters required that applicants who have not served their time in local shops shall have their applications investigated by the Executive Committee before being admitted.

The other seven locals which contained provisions classified under "Other" were affiliated with national unions whose constitutions did not contain any such miscellaneous provisions. The most frequent clause found in local constitutions related to health requirements (six clauses).

Summary

Based on these findings, the national union constitutions which contained the most qualifications for admission as a journeyman were the Carpenters, which specified seven different qualifications, and the Asbestos Workers which specified six. Six union constitutions, the Bricklayers, Electrical Workers, Iron Workers, Marble Polishers, Painters, and the Sheet Metal Workers, contained five qualifications for admission, while four other constitutions, the Operating Engineers, Plumbers, Roofers, and Stone Cutters, contained four qualifications for admission. The national union constitution which specified the least number of qualifications for admission was the Boilermakers, which specified only two qualifications,

work experience or competence, and nomination or endorsement by members. The number and types of qualifications for admission of all the national unions included in the analysis are shown in the following tables.

Qualifications for Admission as Journeyman
in National Constitutions

National union	Work experience or competence	Approval by membership	Examination	Good moral character	Nomination or endorsement by members	Citizenship	Age	Education	Other
Total	15	13	12	10	9	7	3	1	3
Carpenters	x	x	x	x	x	x	x	-	-
Asbestos Workers	x	x	x	x	-	x	-	-	x
Bricklayers	x	x	x	-	x	x	-	-	-
Electrical Workers-IBEW	x	x	x	x	-	-	x	-	-
Iron Workers	x	x	x	x	x	-	-	-	-
Marble Polishers	x	x	-	x	x	x	-	-	-
Painters	x	x	x	x	x	-	-	-	-
Sheet Metal Workers	x	x	x	x	x	-	-	-	-
Engineers, Operating	x	x	x	x	-	-	-	-	-
Plumbers	x	x	x	x	-	-	-	-	-
Roofers	x	-	x	x	-	x	-	-	-
Stone Cutters	x	x	-	-	x	x	-	-	-
Elevator Constructors	-	-	-	-	-	-	x	x	x
Granite Cutters	-	x	-	-	x	-	-	-	x
Lathers	x	-	x	-	-	x	-	-	-
Plasterers	x	x	x	-	-	-	-	-	-
Boilermakers	x	-	-	-	x	-	-	-	-

It should be pointed out that not all the qualifications or criteria for admission are of equal importance in terms of their frequency or in terms of their objective or subjective character. Requirements as to age, citizenship, and education appear in a minority of the national constitutions and, at the same time, are objective in character.

The majority of the national constitutions require work experience or competence, approval by the membership, examination, good moral character, and nomination or endorsement by members.

Good moral character would definitely be classified as a subjective criterion. The work experience or competence qualification could be either objective or subjective. It would be objective if a specific amount of experience was required, but subjective if experience was required without specifying the exact amount, or if just competency was required.

The nomination or endorsement by members requirement and the approval by membership requirement could be difficult to satisfy and thus could be very crucial to obtaining union membership since they are dependent on an applicant getting existing members to nominate or endorse him, or getting the approval by ballot of a majority of the union membership.

The analysis of the 17 national constitutions and the 98 local constitutions also revealed that, as far as qualifications for admission as a journeyman are concerned, local unions to a very great extent follow the basic qualifications enunciated in the national constitutions. Generally, the local constitutions simply repeat the national constitutions or are silent on the various qualifications and thus would be bound by the provisions in the national constitutions. There were only two qualifications for admission, namely, examination and nomination or endorsement by union

members, in which local constitutions differed to some significant extent from the national constitutions. Therefore, based on this analysis, it appears that national unions do exercise a great deal of constitutional control over local union practice as far as qualifications for admission to journeyman status are concerned.

III. QUALIFICATIONS AND OTHER PROVISIONS ON APPRENTICESHIP IN THE BUILDING TRADES UNIONS

There is scant information on apprenticeship in national and local constitutions as is evident from examining Appendix Table 2. This table provides detail on the qualifications for apprenticeship in the unions included in the study, as well as some additional information on periods of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates.

Qualifications for Apprenticeship

Local Regulation

The most frequently occurring qualification for apprenticeship, found in 14 of the 17 national constitutions studied, was a general statement in the constitution that the qualifications for apprenticeship were subject to local union regulation. By inference, of course, this is applicable only to those qualifications not specified in the national constitution. The only three national constitutions that didn't contain such a provision were the Lathers, the Marble Polishers, and the Sheet Metal Workers.

Only two unions, the Granite Cutters and the Roofers, appear to provide for complete local control of the apprenticeship system. The other twelve indicated that control over the apprenticeship system is shared by

the local and national union. Six of the 12 nationals, the Asbestos Workers, the Carpenters, the Iron Workers, the Painters, the Plumbers, and the Stone Cutters, specify some but not all qualifications for apprenticeship. The remaining six national unions, the Boilermakers, Bricklayers, Electrical Workers, Elevator Constructors, Operating Engineers, and Plasterers, do not specify any qualifications for apprenticeship but indicate in their constitutions, by a general statement, that control over the apprenticeship system is shared by both the local and national union. A typical provision is found in the Bricklayers constitution.

> "It being impossible for the I.U. to formulate and maintain a general apprentice law within its jurisdiction, it hereby grants to each subordinate union the power to regulate its own apprentice laws, subject to the following restrictions reserved to the I.U., and to be enforced by the Executive Officers." 30/

Age

Six national union constitutions specified an age requirement for applicants desiring to enter an apprenticeship program. These six were the Asbestos Workers (18-30), Carpenters (17-27, except age limits for an apprentice with previous military experience are 17-32), Iron Workers (18-30), Lathers (16-26, except veterans over 26 may be admitted at option of the local), Painters (under 26 at time of registration unless special dispensation granted by G.E.B.), and the Stone Cutters (16-20, except age for machine apprentices is 18-27, but for both groups the ages are "subject to local autonomy").

30/ Bricklayers, 1966 constitution, Art. XVI, Sec. 1, p. 76.

On the local level, 18 of the 98 local constitutions studied specified age requirements for apprentices which differed from, in some way, the basic qualifications, if any, contained in the national constitutions. Nine of the 18 were Bricklayers locals, 2 were Plumbers locals, and 1 each belonged to the Plasterers and Sheet Metal Workers, all of whose national constitutions were silent in this area.

Three of the remaining five were Painters locals. The local ages specified in the Painters were one at less than 21, one at a maximum of 21, and one at 16-26; the Painters national constitution provided that apprentices must be under the age of 26 at time of registration unless special dispensation is granted by the General Executive Board. 31/

The Carpenters nationally required applicants for apprenticeship to be between the ages of 17 and 27 inclusive, with the exception that age limits for an apprentice with previous military experience were 17-32, while one local of the Carpenters specified age limits of 17-23.

And finally, one Stone Cutters local required applicants for apprenticeship to be between the ages of 17 and 23 inclusive, except that the age for machine-men apprentices was 19-24, compared to the national requirement of 16-20, with the age for machine apprentices 18-27, subject to local autonomy.

Good Moral Character

Only three national constitutions, the Asbestos Workers, the Carpenters, and the Plumbers, specified that applicants for apprenticeship

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31/ The three local constitutions did not indicate whether or not these locals secured the special dispensation.

must be of good moral character. In none of these constitutions, however, is the term, good moral character, defined. None of the 98 local constitutions included in the analysis contained any provisions on good moral character which differed in any way from those specified in the national constitutions.

Examination

Three national constitutions required applicants for apprenticeship to pass some sort of examination. Two of the three unions, the Asbestos Workers and the Iron Workers, referred to physical exams and one, the Carpenters, referred without further detail to an examination. The Asbestos Workers constitution provided that applicants "shall be subject to physical examination by a physician selected by the local union . . .," 32/ while the Iron Workers constitution specified that applicants for apprenticeship "be physically able to perform the required work." 33/ Different from these two is the Carpenters constitution which contains the following provision:

> "The President of the District Council or local union where no District Council exists, shall appoint a committee, . . . to be known as the Apprenticeship Committee. The duties of said Committee shall be to examine all applicants for apprenticeship . . ." 34/

None of the 98 local constitutions specified an examination as a qualification for apprenticeship.

32/ Asbestos Workers, 1967 constitution, Art. III, Sec. 6, p. 7.
33/ Iron Workers, 1961 constitution, Art. XXIII, Sec. 4(a), p. 84.
34/ Carpenters, 1967 constitution, Sec. 42(p), p. 38.

Citizenship

There were just two unions, the Asbestos Workers and the Iron Workers, which required as a qualification for apprenticeship that an applicant be a citizen of the United States or Canada or have declared his intention of becoming a citizen. The Bricklayers constitution has no national requirement on citizenship, but one of its local constitutions did specify that it could reject an applicant whose parent or legal guardian was not a U.S. citizen. However, none of the 98 local constitutions specifically required citizenship for the applicant as a qualification for apprenticeship.

Other Qualifications

Three national constitutions also contained qualifications for apprenticeship which did not fit into any specific classification and which were classified under "Other" in Appendix Table 2. These unions were the Asbestos Workers, the Iron Workers, and the Plumbers.

Both the Asbestos Workers and the Iron Workers specified that applicants for apprenticeship must be able to understand, read, and write the English language, with the Iron Workers additionally requiring applicants to have a pronounced aptitude and interest in the craft.

The Plumbers constitution contained a very detailed provision regarding qualifications for apprenticeship.

"An apprentice before he can be admitted as an apprentice in the Building and Construction Trades Local Union or in a Combination Local Union (Building and Construction Trades Branch) must agree to the following: 1. That he will work at the trade with the intention of learning all phases of the plumbing and pipe fitting industry. 2. Must be willing to combine classroom training with on-the-job training. 3. Agrees further to study the apprenticeship training system of the United Association. 4. . . . 5. Must work at the trade for at least five (5) years before becoming eligible for a journeyman classification." 35/

Only one local constitution contained a provision which was classified under "Other" and which differed in some way from the basic qualification specified in the national constitution. This was a Plumbers local, and the only difference between the local and national provision was that the local constitution required a 90-day probationary period for apprentices.

Other Provisions on Apprenticeship

Period of Apprenticeship

Twelve of the 17 national constitutions studied specified a definite period of apprenticeship. The apprenticeship period in each of the 12 is shown in the following table:

35/ Plumbers, 1967 constitution, Sec. 166, p. 76.

National union	Period of apprenticeship (years)
Plumbers	5
Asbestos Workers	4
Carpenters	4
Marble Polishers	4
Painters	3
Bricklayers	3 (min.)
Operating Engineers	3 (min.)
Iron Workers	3 (min.)
Plasterers	3 (min.)
Lathers	2 (min.)
Granite Cutters	4 (max.)
Stone Cutters	2-4

The most commonly specified periods of apprenticeship were a minimum of 3 years, by four unions, the Bricklayers, Operating Engineers, Iron Workers, and Plasterers, and 4 years, by three unions, the Asbestos Workers, Carpenters, and Marble Polishers. The longest period of apprenticeship specified was 5 years, by the Plumbers.

Twenty-one of the 98 local constitutions contained provisions on periods of apprenticeship that differed from or added to in some way those specified in the national constitutions. Four of these 21 were Electrical Workers locals, 4 were Elevator Constructors locals, and 1 was a Sheet Metal Workers local, all of whose nationals did not contain any provisions on periods of apprenticeship.

Eight of the 21 were Bricklayers locals. While the Bricklayers nationally specified a minimum 3-year apprenticeship period, the eight locals contained some variations, although most were clustered around a 3- or 4-year apprenticeship period. The exact periods of apprenticeship specified in these locals were as follows: four at 3 years, two at 4 years, one at a minimum of 4 years, and one at 2-3 years, depending upon occupation.

Two of the 21 locals were Painters locals and 2 were Plasterers locals. The Painters national constitution required a 3-year apprenticeship period, while one of their locals specified a minimum 3-year period and the other a 5-year period.

In the Plasterers one local provided for a 4-year apprenticeship period and one specified a period of 3-4 years, depending upon occupation, while the Plasterers national constitution specified a minimum 3-year apprenticeship period.

Apprentice-Journeymen Ratios

Eight national constitutions, the Asbestos Workers, the Carpenters, the Iron Workers, the Lathers, the Painters, the Plasterers, the Plumbers, and the Stone Cutters, contained provisions on the ratio between apprentices and journeymen. National provisions on apprentice-journeymen ratios varied a great deal.

The Asbestos Workers constitution provided for an apprentice-journeymen ratio of 1 to 4; the Carpenters specified that an employer who employs 2 or more journeymen may have 1 apprentice; the Lathers specified 1 apprentice to each local plus 1 apprentice to each 5 journeymen; the Painters require each local negotiating an agreement to require employers of 8 or more employees to employ at least 1 apprentice; and the Plasterers specify a "suggested" apprentice-journeymen ratio of 1 to 5. The ratio in the Plasterers constitution is interesting because it apparently only applies to local unions having a hiring referral system.

"Where local Unions have a hiring referral system, they may agree with the Joint Apprenticeship Committee, or the Referral Committee, that an apprentice indentured to the Joint Apprenticeship Committee be referred to jobs in accordance with the established ratio as set forth by the Joint Apprenticeship Committee (the suggested ratio being 1 to 5)." 36/

In the Plumbers employers employing 1 or more journeymen steadily are permitted to employ 1 apprentice while in the Stone Cutters the apprentice-journeymen ratio is 1 to 5 in a shop, with a maximum of 5 apprentices in any one shop. The ratio in the Iron Workers is a maximum of 1 to 7 for apprentices on structural, reinforcing or rigging jobs, a maximum of 1 to 4 for apprentices on ornamental jobs, and 1 apprentice to each journeyman for work on the spinning of cables on suspension bridges.

A total of 24 local constitutions specified apprentice-journeymen ratios that differed in some way from the basic qualifications (if any) contained in their respective national constitutions. Eight of these belonged to Bricklayers locals and 1 was an Electrical Workers local, but the national constitution of both of these unions was silent in this area.

Six locals of the Plumbers specified the following apprentice-journeymen ratios which differed in some way from the national provision of the Plumbers which stated that employers employing 1 or more journeymen steadily are permitted to employ 1 apprentice: 3 locals specified that employers employing 1 or more journeymen steadily may employ 1 apprentice, but, in addition, in no instance should an employer be entitled to more than 5 apprentices, 1 specified an apprentice-journeymen ratio of 1 to 5, with a maximum of 5 helpers and/or apprentices for any

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36/ Plasterers, 1965 constitution, Sec. 128(b), p. 126.

one employer, 1 provided that each shop regularly hiring 2 or more journeymen shall be allowed to hire 1 apprentice, and 1 specified that all shops regularly hiring 2 or more journeymen for a period of 1 year shall be allowed to hire 1 apprentice, and when hiring 7 or more journeymen, 1 additional apprentice.

The Carpenters national constitution provided that an employer who employs 2 or more journeymen may have 1 apprentice. Four Carpenters locals differed from this somewhat. One required that the number of apprentices of the local shall constitute not more than one-fourth of the entire membership, 1 provided that the number of apprentices allowed to a contractor shall be 1 apprentice at all times, and 1 for each additional 4 journeymen employed, another specified that no more than 1 apprentice shall be allowed on a job, unless 2 or more journeymen are employed, and then only 1 extra apprentice for every 5 journeymen employed, and finally 1 local specified a ratio of 1 apprentice to the first 2 journeymen and thereafter 1 additional apprentice for every 3 journeymen.

Three of the 5 remaining locals specifying an apprentice-journeymen ratio different from that of the nationals were Painters locals, 1 was a Plasterers local, and 1 was a Stone Cutters local.

Apprentice Wage Rates

Only two national union constitutions, the Asbestos Workers and the Iron Workers, specified the wage rates for apprentices. The Asbestos Workers constitution specified four rates in the minimum amounts of 50, 60, 70 and 80 percent of the mechanic hourly rate for the first, second, third, and fourth years respectively, while the Iron Workers specified

six rates in the minimum amounts of 60, 70, 75, 80, 85 and 90 percent of the journeyman rate for the first, second, third, fourth, fifth and sixth 1,000 hours of employment respectively.

There were a total of 19 local constitutions which contained provisions on apprentice wage rates that differed from, at least in part, those contained (if indeed there were any) in the national constitutions. Fifteen of the 19 locals were affiliated with national unions which did not specify anything on apprentice wage rates at all. These were the Bricklayers (five locals), the Carpenters (six locals), the Electrical Workers (one local), the Painters (one local), the Plumbers (one local), and the Sheet Metal Workers (one local).

The four remaining locals were Iron Workers locals. All four of these locals provided that apprentices shall earn not less than 50 percent of the journeyman's rate for the first 6 months of apprenticeship, not less than 60 percent of the journeyman's rate for the second 6 months of apprenticeship, and not less than 66-2/3 percent of the journeyman's rate for the second year of apprenticeship, compared to the Iron Workers national union's apprentice wage rates described above.

Summary

The analysis of the 17 national union constitutions has shown that the unions which contained the most qualifications for apprenticeship were the Asbestos Workers with six different qualifications and the Iron Workers

with five. The Carpenters constitution specified four requirements for apprenticeship, the Plumbers constitution specified three, and the Painters and the Stone Cutters each provided for two. In contrast to this, two union constitutions, the Marble Polishers and the Sheet Metal Workers, mentioned no qualifications for apprenticeship at all. The qualifications for apprenticeship specified by all the national unions included in the analysis are listed in the table just below.

Qualifications for Apprenticeship
in National Constitutions

National union	Subject to local union regulation	Age	Good moral character	Examination	Citizenship	Other
Total	14	6	3	3	2	3
Asbestos Workers	x	x	x	x	x	x
Iron Workers	x	x	-	x	x	x
Carpenters	x	x	x	x	-	-
Plumbers	x	-	x	-	-	x
Painters	x	x	-	-	-	-
Stone Cutters	x	x	-	-	-	-
Boilermakers	x	-	-	-	-	-
Bricklayers	x	-	-	-	-	-
Electrical Workers-IBEW	x	-	-	-	-	-
Engineers, Operating	x	-	-	-	-	-
Granite Cutters	x	-	-	-	-	-
Lathers	-	x	-	-	-	-
Plasterers	x	-	-	-	-	-
Roofers	x	-	-	-	-	-
Elevator Constructors	x	-	-	-	-	-
Marble Polishers	-	-	-	-	-	-
Sheet Metal Workers	-	-	-	-	-	-

Of course not all the qualifications for apprenticeship are of equal importance. Some, like age and citizenship, are objective criteria. Other qualifications, however, such as good moral character, are much more subjective and are not easily definable.

Locally there was an utter dearth of information on qualifications for apprenticeship in the 98 constitutions and bylaws included in the analysis. In fact, there was only one qualification for apprenticeship, namely, age, in which local constitutions differed in more than one instance from the qualifications for apprenticeship specified in the national constitutions.

There was, however, considerably more information in both national and local constitutions on other apprenticeship provisions, namely, period of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates. For example, as stated previously, 12 of the 17 national constitutions specified a definite period of apprenticeship, and 8 of the 17 contained provisions on apprentice-journeymen ratios. The Asbestos Workers and Iron Workers national constitutions were the only ones which specified all three types of provisions, that is, period of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates.

In summation, it must be emphasized that overall there was very little information on apprenticeship in the national and local constitutions included in the analysis, and therefore it is extremely difficult to arrive at any generalizations or form any definite conclusions about the apprenticeship standards of these unions. It does appear, however, that since there is such

a lack of information on apprenticeship in the national constitutions, local unions do have more autonomy and freedom in establishing their apprenticeship standards than they do in setting the qualifications for journeymen membership.

IV. NATIONAL AND LOCAL APPRENTICESHIP STANDARDS

This section includes an analysis of the National Apprenticeship Standards of the Building and Construction Trades unions, as approved by the Bureau of Apprenticeship and Training, and the Local Apprenticeship Standards of the Building Trades unions in the District of Columbia, as approved by the District of Columbia Apprenticeship Council.

National Apprenticeship Standards are programs adopted by national joint labor-management apprenticeship committees composed of national unions and employer associations for the development and improvement of apprenticeship within their respective trades or industries. 37/ These standards are intended to serve as a guide for locals establishing their own apprenticeship systems, and while not mandatory, are in many instances followed closely by the locals, and strongly recommended by the nationals in setting up local apprenticeship standards.

In order for a national apprenticeship program to be registered and approved by the Bureau of Apprenticeship and Training, it must provide for the following minimum qualifications:

1. The starting age of an apprentice to be not less than 16.
2. Full and fair opportunity to apply for apprenticeship.
3. Selection of apprentices on the basis of qualifications alone.

37/ The National Standards of the Iron Workers, however, were established unilaterally by the national union.

4. A schedule of work processes in which an apprentice is to receive training and experience on the job.

5. Organized instruction designed to provide the apprentice with knowledge in technical subjects related to his trade (a minimum of 144 hours per year is normally considered necessary).

6. A progressively increasing schedule of wages.

7. Proper supervision of on-the-job training with adequate facilities to train apprentices.

8. Periodic evaluation of the apprentice's progress, both in job performance and related instruction, and the maintenance of appropriate records.

9. Employee-employer cooperation.

10. Recognition for successful completions.

11. Nondiscrimination in all phases of apprenticeship employment and training.

All but 5 of the 17 national unions studied which are affiliated with the Building and Construction Trades Department of the AFL-CIO have adopted national standards of apprenticeship which meet the above specifications and which have been approved by BAT. The five which do not have standards approved by BAT are the Asbestos Workers, the Elevator Constructors, the Granite Cutters, the Marble Polishers, and the Stone Cutters. These five were thus excluded from the analysis. The national apprenticeship standards of the other 12 unions comprising the Building and Construction Trades Department were included along with the apprenticeship program of the Cement Masons, who are affiliated with the Plasterers.

Local Apprenticeship Standards are programs adopted by local joint labor-management apprenticeship committees which are composed of local unions and local employer associations. The local standards selected for this study are limited to those in the District of Columbia which are affiliated with the unions comprising the Building and Construction Trades Department of the AFL-CIO and which have been approved by the D.C. Apprenticeship Council. Five of the unions do not have local programs approved by the D.C. Apprenticeship Council and thus were excluded from the local analysis. These are the Elevator Constructors, Granite Cutters, Marble Polishers, Roofers, and Stone Cutters. Included in the analysis, however, are the local apprenticeship programs of two Bricklayers locals in the District of Columbia, the Stone and Marble Masons Local No. 2 who are affiliated with the Bricklayers, and the Cement Masons Local No. 891 who are affiliated with the Plasterers. All of the local programs were adopted jointly by a local union and a local employer association, with the exception of the Carpenters program and the Painters program, both of which were negotiated by a district council and a local employer association.

A local apprenticeship program, in order to be approved by the D.C. Apprenticeship Council, must contain the following minimum basic standards and procedures:

1. Probationary period.
2. Age requirements (not less than 16).
3. Registration of apprentices (with appropriate agency).
4. Registration agency notified (on all apprentice actions).
5. Proper supervision (on the job).
6. Keeping work process records.

7. Periodic evaluation of progress (on the job and school).
8. Issuance of certificate of completion.
9. Related instruction (144 hours per year).
10. Equal opportunity clause.
11. Wage schedule (progressively increasing).
12. Work schedule (adequacy of content-allocation of time).
13. Safety instruction (on the job and school).
14. Ratio of apprentices to journeymen.
15. Term of apprenticeship period.
16. Selection procedures (qualifications for apprenticeship).

Detail on qualifications for apprenticeship and other provisions on apprenticeship as specified in both national and local apprenticeship standards will be found in Appendix Tables 3 and 4. The highlights of these provisions are set forth below.

Qualifications for Apprenticeship

Age

All 13 national apprenticeship standards included in the analysis as well as all 15 local apprenticeship standards studied specified an age requirement for applicants desiring to enter an apprenticeship program. The ages specified in these programs are given in the following table:

Union	National standards	Local standards
Asbestos Workers	NS	18-30
Boilermakers	18-26	18-26
Bricklayers	17-24	17-24
Stone & Marble Masons	NS	17-22
Carpenters	17-27	17-25
Electrical Workers-IBEW	18-24	18-24
Operating Engineers	18-25	18-24
Iron Workers	18-30	18-25
Lathers	16-25	16 (minimum)
Painters	16-25	16-26
Plasterers	17-25	18-24
Cement Masons	17-25	18-26
Plumbers	16-25	18-24
Roofers	18-30	NS
Sheet Metal Workers	17-23	17-25

NS indicates that there were no standards studied for that particular union.

There were 12 unions which had both national and local apprenticeship standards included in the analysis. Only 3 of the 12 however, the Boilermakers, Bricklayers, and the Electrical Workers, contained the same age requirement for apprenticeship. In general, the ages specified in the local standards appear to be somewhat more restrictive than those specified in the national standards.

It should be noted also that in all the national standards except three, the Iron Workers, Plumbers, and Roofers, the ages specified could be waived by the local joint apprenticeship committee for veterans and other special cases. Likewise, all the local standards except four, the Asbestos Workers, Boilermakers, Iron Workers, and Lathers, allowed the maximum age to be extended for veterans.

Physical Fitness

All 13 national standards state that an applicant for apprenticeship must be physically able to perform the work of the trade. Over and above this, the Iron Workers and Sheet Metal Workers specifically require a physical examination. The Lathers, Cement Masons, and Plumbers state that an examination may be required, while the Electrical Workers require a record of a physical examination or satisfactory evidence of physical fitness.

Likewise, all 15 local standards studied contain a provision on physical fitness. Nine of the 15 specify that an applicant must be physically fit to perform the work of the trade, with due regard to aptitude, attitude and personal characteristics. These nine are the Bricklayers (both locals), Stone and Marble Masons', Lathers, Painters, Plasterers, Cement Masons, Plumbers, and Sheet Metal Workers. In addition, seven of the nine, all except Bricklayers Local 1 and the Stone and Marble Masons, also require applicants to take a medical examination prior to being employed. Of the remaining six local standards, three, the Carpenters, Operating Engineers, and the Iron Workers, provide that the applicant must have the physical ability to perform the work; one, the Asbestos Workers, requires a doctor's certificate and an X-ray report; another, the Boilermakers, specifies that the applicant shall be required to take a physical examination and shall have no obvious physical handicaps that would prevent performance of work covered by the trade; and lastly, the Electrical Workers require an applicant to submit a record of a physical examination.

Education

Twelve of the 13 national standards specify an education requirement for applicants desiring to enter an apprenticeship program. Seven of the 12 state simply that an applicant must have sufficient education to satisfactorily complete the required hours of related theoretical instruction. These seven are the Boilermakers, Bricklayers, Carpenters, Lathers, Painters, Plasterers, and Plumbers; in addition, the Plumbers also strongly recommend a high school diploma.

The remaining five national standards, the Electrical Workers, Operating Engineers, Iron Workers, Roofers, and Sheet Metal Workers, specify that applicants must possess a high school diploma. The Electrical Workers also require a transcript of the high school record, while the Iron Workers specify certain subjects that may be required, supported by a transcript of the high school record. The Cement Masons was the only one of the 13 national apprenticeship standards that did not contain an education requirement for apprentices.

All 15 of the local apprenticeship standards studied specified an education requirement for applicants desiring to enter an apprenticeship program. Nine of the 15 required a high school diploma, or a certificate of equivalency. These nine are the Asbestos Workers, Boilermakers, Bricklayers Local 1, Electrical Workers, Operating Engineers, Iron Workers, Lathers, Plumbers, and Sheet Metal Workers.

Three standards, the Painters, Plasterers, and the Cement Masons specify that the applicant must have completed the 10th grade; one, the Carpenters, require a 9th grade education; and two, Bricklayers Local 4

and the Stone and Marble Masons, require the applicant to complete elementary school (8th grade).

Only 4 of the 12 unions which had both national and local apprenticeship standards included in this analysis contained the same education requirement for apprentices. The four were the Electrical Workers, Operating Engineers, Iron Workers, and Sheet Metal Workers, all of which required a high school diploma. The remaining eight and the differences in the education requirement between the national and local standards were: the national standards of the Boilermakers, Bricklayers, Carpenters, Lathers, Painters, Plasterers, and Plumbers specified that an applicant must have sufficient education to satisfactorily complete the required hours of related theoretical instruction, while locally the Boilermakers, Bricklayers Local 1, Lathers, and Plumbers required a high school diploma, the Painters and the Plasterers required applicants to have completed the 10th grade, the Carpenters required applicants to have completed the 9th grade, and Bricklayers Local 4 specified that applicants must have completed elementary school. The Cement Masons national standards did not contain an education requirement for apprentices, although the local standards required applicants to have completed the 10th grade.

Examination

Twelve of the 13 national apprenticeship standards studied required an examination for applicants desiring to enter an apprenticeship program. The only one which did not require an examination was the Cement Masons.

Ten of the 12 standards which had the requirement specified that the applicant must satisfy the local joint apprenticeship committee that he

has the ability and aptitude to perform the rudiments of the trade. These 10 were the Boilermakers, Bricklayers, Carpenters, Operating Engineers, Lathers, Painters, Plasterers, Plumbers, Roofers and the Sheet Metal Workers. In addition, the Carpenters also require an aptitude test provided by the national joint apprenticeship committee, and the Lathers require a test provided by the state employment office. The remaining two standards which provided examinations were the Iron Workers and the Electrical Workers. The Iron Workers required specific examinations in mathematics, mechanical drawing and aptitude, both mental and manipulative performance, while the Electrical Workers required a test provided by the national joint apprenticeship committee.

Five of the 15 local apprenticeship standards provide for an aptitude test as a minimum qualification for apprenticeship. These five were the Asbestos Workers, Boilermakers, Carpenters, Electrical Workers, and the Operating Engineers, all of whose national standards (with the exception of the Asbestos Workers who do not have national standards) also required an examination.

Three of the five, the Asbestos Workers, Carpenters, and the Operating Engineers state that the aptitude test should be taken from the U.S. Employment Service; one, the Electrical Workers, specified that the test should be taken through the joint apprenticeship committee; and one, the Boilermakers, is silent on whom the test should be taken from.

In addition, many other local unions include an aptitude test as one of the criteria in their selection procedures; that is, applicants who meet the basic minimum qualifications may be required to take such an exam. A more detailed discussion on selection procedures is included later on in this study.

Citizenship

Another common requirement for applicants desiring to enter an apprenticeship program is citizenship. Eleven of the 13 national standards contained such a requirement. These 11 were the Boilermakers, Bricklayers, Carpenters, Operating Engineers, Iron Workers, Lathers, Painters, Plasterers, Cement Masons, Plumbers, and the Roofers. All 11 stated that the apprentice must be an American citizen or in the process of naturalization, with the Boilermakers additionally allowing Canadian citizenship.

The only two national standards that did not contain a citizenship requirement were the Electrical Workers and the Sheet Metal Workers.

Locally, all but 1, the Electrical Workers, of the 15 local apprenticeship standards included in the analysis specified that an apprentice must either be an American citizen or in the process of naturalization.

Nondiscrimination

Eleven of the 13 national standards studied contained some type of nondiscrimination clause regarding the selection of applicants for an apprenticeship program. The only two that did not contain such a clause were the Boilermakers and the Plasterers.

Ten of the 11 standards specified that selection of applicants should be done on a nondiscriminatory basis without regard to race, color, creed, or national origin. One, the Painters, stated only that there should be no discrimination in the selection procedures. In addition, two others, the Lathers and Cement Masons, also provided that sex should not be a means of discrimination.

All but 3 of the 15 local apprenticeship standards, the Asbestos Workers, Operating Engineers, and the Iron Workers, also contain a nondiscrimination clause.

Of the 12 that do, all state that apprentices shall be selected on qualifications alone, and that applicants will be afforded equal opportunity without regard to race, color, creed, or national origin. These 12 are the Boilermakers, Bricklayers (both locals), Carpenters, Stone and Marble Masons, Electrical Workers, Lathers, Painters, Plasterers, Cement Masons, Plumbers, and the Sheet Metal Workers.

Two of the 12, the Boilermakers and Electrical Workers, also specify that selection shall be made without regard to sex.

It is interesting to note that the local apprenticeship standards of both the Boilermakers and the Plasterers contain a nondiscrimination clause even though their national standards are silent in this matter. On the other hand, the local apprenticeship standards of the Operating Engineers and the Iron Workers do not contain a nondiscrimination clause although the national standards of these unions do.

Selection Procedures

All 13 national standards provide that the local joint apprenticeship committee shall establish procedures for the selection of apprentices.

Seven of the 11, the Operating Engineers, Lathers, Painters, Plasterers, Plumbers, Roofers, and Sheet Metal Workers, recommend specific selection criteria to be used; 5, the Boilermakers, Carpenters, Bricklayers, Iron Workers, and Cement Masons, indicate only that local selection procedures shall be established, and 1, the Electrical Workers, provides that the local

Committee "shall examine each applicant for apprenticeship individually and carefully with particular attention to his background, aptitude and suitability."

Of the seven which recommend specific selection criteria, four, the Operating Engineers, Painters, Plasterers, and Plumbers, specify that selection criteria should include past school records, application forms, aptitude tests, and appropriate interviewing techniques. The three others, the Lathers, Roofers, and Sheet Metal Workers, going into considerably more detail, recommend the use of specific evaluation forms which include education, aptitude tests, physical evaluation, work experience, conduct record and an oral interview. In addition, the Sheet Metal Workers included references, the Lathers added points for military service, while the Roofers added the two above provisions plus a residency provision and participation in sports and social activities.

All 15 local apprenticeship standards specify, in varying degrees of detail, the procedures to be used in the selection of apprentices. Nine of the 15 state that apprentices should be selected in the descending order of ranking. These nine are the Bricklayers (both locals), Stone and Marble Masons, Lathers, Painters, Plasterers, Cement Masons, Plumbers, and Sheet Metal Workers.

Two local programs, the Asbestos Workers and the Operating Engineers, included a rating system which listed criteria for the selection of applicants. In addition, six of the nine standards listed above, the Bricklayers (both locals), Lathers, Painters, Plasterers, and the Cement Masons, also contained such a rating system. In all of these local standards the criteria for the rating system usually included the applicant's score on

an aptitude test, previous work experience, military service, education, physical factors, references, conduct record and the J A C evaluation of interest, character and ability. (Detail on how these factors are typically weighted can be found in Appendix Table 4.)

Finally, four local programs, the Boilermakers, Carpenters, Electrical Workers, and Iron Workers, describe their selection procedures in general terms, mentioning some of the criteria to be used, but not going into any great detail or attributing any specific weights to the criteria.

Other Qualifications

Eleven national apprenticeship standards (all except the Boilermakers and the Plasterers) also contained qualifications for apprenticeship which did not fit into any specific classification and which were classified under "Other" in Appendix Table 4.

Seven of the 11 state that applicants must meet other entrance qualifications as shall be established by the local joint apprenticeship committee. These seven are the Bricklayers, Carpenters, Operating Engineers, Painters, Cement Masons, Plumbers and the Roofers.

Two programs, the Lathers and the Sheet Metal Workers, require residency in the area over which the local joint apprenticeship committee and the local union has jurisdiction.

The Electrical Workers require 6 months employment as a groundsman for apprentices in "outside" employment, and the Iron Workers require an oral interview of each applicant.

Only seven local apprenticeship standards contained provisions which were classified under "Other." These were the Boilermakers, Carpenters,

Iron Workers, Painters, Plasterers, Plumbers, and Sheet Metal Workers. Six of the seven (all except the Boilermakers) specified that the applicant must be a resident of the area over which the joint apprenticeship committee has jurisdiction. The Painters and the Sheet Metal Workers required 2 years in the area, the Plasterers and the Plumbers required 1 year, while the Carpenters and the Iron Workers did not specify a definite period of time.

The Boilermakers contained a provision that an applicant for apprenticeship must indicate no fear of high or hazardous work and agree to pursue the related study courses.

In addition, the Iron Workers (which contained the residency requirement) also required that the applicant must agree to work under the provisions of the collective bargaining agreement established between the union and employer.

Other Provisions on Apprenticeship

Period of Apprenticeship

All 13 national apprenticeship standards and all 15 local apprenticeship standards studied provided for a period of apprenticeship. The apprenticeship period specified in each of the standards is shown in the following table:

Union	Period of apprenticeship (years) National standards	Local standards
Plumbers	5	5
Asbestos Workers	NS	4
Boilermakers	4	4
Carpenters	4 (min.)	4 (min.)
Sheet Metal Workers	4 (min.)	4
Bricklayers	3	3 (min.)
Cement Masons	3	3 (min.)
Plasterers	3	4 (min.)
Roofers	3	NS
Operating Engineers	3 (min.)	3-4
Iron Workers	3 (min.)	3
Painters	3 (min.)	3 (min.)
Stone & Marble Masons	NS	3
Lathers	2 (min.)	3 (min.)
Electrical Workers-IBEW	3-4	4

NS indicates that there were no standards studied for that particular union.

Nationally the most frequently specified period of apprenticeship was 3 years, by four different unions, the Bricklayers, Cement Masons, Plasterers, and Roofers. Three other unions, the Operating Engineers, Iron Workers, and Painters, specified a minimum 3-year period. The longest period of apprenticeship specified was 5 years, by the Plumbers, while the shortest period was a minimum of 2 years, by the Lathers.

In the local standards the most commonly specified periods of apprenticeship were 4 years, by four unions, the Asbestos Workers, Boilermakers, Electrical Workers, and Sheet Metal Workers, and a minimum of 3 years, also by four unions (but five locals), the Bricklayers (both locals), Cement Masons, Lathers, and the Painters. The Plumbers local standards contained the longest period of apprenticeship, 5 years.

Eight of the 12 unions which had both national and local apprenticeship standards included in this analysis had some differences in these standards regarding period of apprenticeship. (See table on preceding page.) These eight were the Bricklayers, Electrical Workers, Operating Engineers, Iron Workers, Lathers, Plasterers, Cement Masons, and the Sheet Metal Workers.

Apprentice-Journeymen Ratios

Only 3 of the national apprenticeship standards, the Iron Workers, Lathers, and the Sheet Metal Workers, contained provisions on apprentice-journeymen ratios. The Iron Workers allowed not more than 1 apprentice for every 7 journeymen on structural reinforcing or rigging and not more than 1 to 4 on ornamental jobs; 38/ the Lathers specified a ratio of 1 apprentice to each local union plus 1 for each 5 journeymen members of the local, but permitted no more than 1 to 3 on each job; and the Sheet Metal Workers specified a 1 to 4 ratio, but will permit another ratio to be established in a collective bargaining agreement.

The other 10 standards which did not specify a definite apprentice-journeymen ratio did state that the apprentice-journeymen ratio shall be established by the local joint apprenticeship committee.

Thirteen of the 15 local standards provided for a specific apprentice-journeymen ratio. The only 2 that did not were the Iron Workers and the Electrical Workers. The Iron Workers stated only that the ratio should be in accordance with the current bargaining agreement between the union and employer, while the Electrical Workers specified that the number of

38/ The Iron Workers also specified that one apprentice shall be allowed for each journeyman on the spinning of cables on suspension bridges.

new apprentices are determined on or before June 1st of each year and that the number is based upon the needs of the industry as projected from reliable trends.

In 10 of the 13 local standards which contain a specific apprentice-journeymen ratio the ratio is stated as 1 apprentice for each number of journeymen regularly employed throughout the year. The 10 standards and their ratios are as follows: Asbestos Workers and Sheet Metal Workers, 1 to 4; Boilermakers, Bricklayers (both locals), Cement Masons, Operating Engineers, and Plumbers, 1 to 5; Lathers, 1 to 10; and Plasterers, 1 to 15.

The ratios in the other 3 standards, the Stone & Marble Masons, the Carpenters, and the Painters, are somewhat more involved. The Stone & Marble Masons specify an apprentice-journeymen ratio of 1 to 3; however, any employer having less than 3 regularly employed journeymen throughout the year is limited to a maximum of 1 apprentice.

The apprentice-journeymen ratio of the Carpenters can be summarized as follows: there may be permitted, after the employment of 2 journeymen, 1 apprentice for up to 5 journeymen; 2 apprentices for 6 to 10 journeymen; 3 apprentices for 11 to 20 journeymen; and 1 more for each additional 20 journeymen, with the maximum of 10 apprentices to any 1 employer.

Finally, the Painters provide that employers who employ 8 or more journeymen must employ 1 apprentice, and an additional apprentice may be allowed for each additional 5 journeymen, provided the joint apprenticeship committee has approved the employer to train apprentices. In no event, however, may any individual contractor employ more than 5 apprentices at any one time.

Apprentice Wage Rates

Twelve of the 13 national standards (all except the Operating Engineers) specify that apprentice wage rates should be a percentage of the prevailing journeyman rate. The Operating Engineers provide only that wages shall be as determined in the collective bargaining agreement.

Five standards specify apprentice wage rates in great detail. These are the Boilermakers, Iron Workers, Lathers, Plasterers, and the Sheet Metal Workers. The Boilermakers specify eight wage rates in the minimum amounts of 60, 65, 70, 75, 80, 85, 90 and 95 percent for the first, second, third, fourth, fifth, sixth, seventh, and eighth 6-month period respectively; the Iron Workers provide rates of 60, 70, 75, 80, 85 and 90 percent of the journeyman rate for each of the 6-month periods respectively; the Lathers specify rates of 50, 60, 65, 70, 75, 80, 85 and 90 percent of the journeyman rate for each of the eight 3-month periods respectively; the Plasterers require apprentice wage rates of 45 percent of the journeyman rate for the first 3 months, 60 percent for the next 3 months, and advancing at the rates of 65, 70, 75, 80 and 90 percent for the remaining five 6-month periods respectively; and the Sheet Metal Workers specify wage rates of 45, 50, 55, 60, 65, 70, 75 and 80 percent of the journeyman rate for each of the eight 6-month periods respectively.

The remaining seven standards, the Bricklayers, Carpenters, Cement Masons, Electrical Workers, Painters, Plumbers, and the Roofers, provide that an apprentice wage schedule shall be included in the local apprenticeship standards and shall be established on the basis of a progressive percentage of the journeyman rate, advancing at 6-month intervals.

In addition, three of the seven listed above, the Electrical Workers, Plumbers, and the Roofers, specify that the apprentice wage scale cannot average less than 50 percent of the journeyman wage rate for the entire apprenticeship period.

And finally, the Carpenters also provide that apprentice wage rates must average not less than approximately 50 to 75 percent of the journeyman rate over the apprenticeship term.

Fourteen of the 15 local apprenticeship standards specified the wage rates for apprentices. The only one that did not was the Carpenters, which stated only that apprentice wage rates would be as set down in the collective bargaining agreement.

In all the 14 local standards which specified apprentice wage rates (except Bricklayers Local 4), the wage rates were stated as a percentage of the journeyman rate, with the apprentice rate usually increasing every 6 months until the completion of the apprenticeship and reaching the full journeyman rate. Bricklayers Local 4 expressed their apprentice wage rates not in percentage terms, but in dollars and cents per hour.

Local provisions on apprentice wage rates will not be discussed separately due to their diversity and to the great amount of detail involved. The precise wage rates specified in each of the local standards is given in footnote 14 of Appendix Table 4.

Summary

As one would suspect there is a great deal more information on qualifications for apprenticeship, and on apprenticeship in general, in national and local apprenticeship standards than in national and local constitutions. Based on these findings, the national apprenticeship standards which contained the most qualifications for apprenticeship were the Bricklayers, Carpenters, Operating Engineers, Iron Workers, Lathers, Painters, Plumbers, and the Roofers, all of which specified eight different qualifications for apprenticeship. All 13 national standards specified at least six qualifications for apprenticeship, with the Boilermakers, Cement Masons, and Plasterers being the only ones to require that few a number. The qualifications for apprenticeship specified by all the national standards included in the analysis are listed in the following table:

Qualifications for Apprenticeship in National Apprenticeship Standards

National standards	Age	Physical fitness	Education	Examination	Citizenship	Non-discrimination clause	Selection procedures established by local J A C	Other
Total	13	13	12	12	11	11	13	11
Bricklayers	x	x	x	x	x	x	x	x
Carpenters	x	x	x	x	x	x	x	x
Engineers, Operating	x	x	x	x	x	x	x	x
Iron Workers	x	x	x	x	x	x	x	x
Lathers	x	x	x	x	x	x	x	x
Painters	x	x	x	x	x	x	x	x
Plumbers	x	x	x	x	x	x	x	x
Roofers	x	x	x	x	x	x	x	x
Electrical Workers	x	x	x	x	-	x	x	x
Sheet Metal Workers	x	x	x	x	-	x	x	x
Boilermakers	x	x	x	x	x	-	x	-
Cement Masons	x	x	-	-	x	x	x	x
Plasterers	x	x	x	x	x	-	x	-

It should be noted that not all the qualifications or requirements for apprenticeship are of equal importance. Some of the requirements for apprenticeship can be classified as objective and some as subjective. The qualifications which could be classified as objective are age, citizenship, education, and examination. A nondiscrimination clause and physical fitness are two qualifications which could probably be classified as subjective. The most important qualifications for apprenticeship, however, appear to be education and examination, even though two other requirements, age and physical fitness, were slightly more prevalent.

There was also a great deal of information on qualifications for apprenticeship in the 15 local apprenticeship standards studied. The local apprenticeship standards which specified the most qualifications for apprenticeship were the Boilermakers and the Carpenters which specified eight; all of the local standards, however, specified at least six qualifications. The number and types of qualifications provided by each of the 15 local standards is as follows:

Qualifications for Apprenticeship in Local Apprenticeship Standards

Local standards	Age	Education	Physical fitness	Selection procedures	Citizenship	Non-discrimination clause	Examination	Other
Total	15	15	15	15	14	12	5	7
Boilermakers	x	x	x	x	x	x	x	x
Carpenters	x	x	x	x	x	x	x	x
Painters	x	x	x	x	x	x	-	x
Plasterers	x	x	x	x	x	x	-	x
Plumbers	x	x	x	x	x	x	-	x
Sheet Metal Workers	x	x	x	x	x	x	-	x
Asbestos Workers	x	x	x	x	x	-	x	-
Bricklayers (Local 1)	x	x	x	x	x	x	-	-
Bricklayers (Local 4)	x	x	x	x	x	x	-	-
Electrical Workers	x	x	x	x	-	x	x	-
Engineers, Operating	x	x	x	x	x	-	x	-
Iron Workers	x	x	x	x	x	-	-	x
Cement Masons	x	x	x	x	x	x	-	-
Lathers	x	x	x	x	x	x	-	-
Stone & Marble Masons	x	x	x	x	x	x	-	-

The most important qualifications for apprenticeship specified in the local standards, at least in terms of frequency, appear to be age, education, physical fitness and selection procedures, followed by citizenship and non-discrimination. Surprisingly, only five local standards required an examination as a minimum qualification for apprenticeship, although it should be pointed out that many other standards include some sort of examination as one of the criteria in their selection procedures.

Both the national and local apprenticeship standards contained considerable detail relating to other provisions on apprenticeship, namely, periods of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates. For example, all 13 national standards specified a definite period of apprenticeship, and 12 specified apprentice wage rates, although only 3 contained data on apprentice-journeymen ratios. Locally, all 15 standards contained provisions on periods of apprenticeship, while 13 specified apprentice-journeymen ratios and apprentice wage rates.

In conclusion, it should again be stated that national apprenticeship standards, as approved by BAT, are intended to serve as guides for local unions establishing their own apprenticeship systems. This analysis has tended to confirm that fact. The local apprenticeship standards included in this study have specified a great amount of information on apprenticeship, some of it not in agreement with or different from that contained in the national standards. In many instances, of course, the locals do follow the national standards, but they are under no obligation to do so. Thus, it is apparent that local unions do have a great deal of autonomy and freedom in establishing their own apprenticeship systems.

V. FEDERAL COURT DECISIONS INVOLVING ADMISSION AND APPRENTICESHIP IN THE BUILDING TRADES 39/

Title VII of the Civil Rights Act of 1964 bars discrimination in membership, employment, and training because of race, color, religion, sex, or national origin, whether practiced by employers, employment agencies, labor organizations, or joint labor-management committees. Under sections 706(g) and 707(a), the courts have the power to enjoin discrimination and to order affirmative relief where appropriate. Section 706(g) provides:

> "If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative relief as may be appropriate, . . ."

Section 707(a) specifies:

> "Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action . . . requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described."

While the Act became effective July 2, 1964, Title VII did not go into effect until 1 year later.

39/ This does not constitute an official legal interpretation by the Department of the cases discussed.

In this section we shall examine some court cases which have dealt with the problem of alleged discriminatory admission policies and apprenticeship requirements of the building trades unions (that is, those unions comprising the Building and Construction Trades Department of the AFL-CIO) which have arisen under Title VII of the Civil Rights Act. All the cases included in this analysis were in the building and construction industry and were decided in the Federal courts, thereby excluding all court decisions at the state level.

The court cases that will be discussed can be classified into three main groupings, namely, (1) those in which the principal issue involved admission policies, (2) those in which the principal issue was apprenticeship requirements, and (3) those in which the principal issue involved both admission policies and apprenticeship requirements.

Admission Policies

U.S. v. Sheet Metal Workers, Local 36, and Local 1, IBEW 40/

In March 1968 the district court ruled the two unions involved did not violate the Civil Rights Act of 1964 allegedly by discriminating against Negroes so as to exclude them from union membership, trade apprenticeship programs, or work referrals through union hiring halls, even

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40/ U.S. v. Sheet Metal Workers, Local 36, and Local 1, IBEW, 67 LRRM 2736 (E.D. Mo., 1968), rev'd and remanded, 416 F. 2d 123, 2 FEP Cases 127 (C.A. 8, 1969).

though prior to 1964 they had excluded Negroes, because the unions had not engaged in pattern or practice of discrimination since the effective date of the Act, nor was there evidence of individual discrimination.

The court stated that

> "the evidence shows that prior to 1964 both defendants excluded Negroes. Since the effective date of the Civil Rights Act of 1964, July 2, 1965, both unions have admitted and treated Negroes on the same basis that whites are admitted and treated. The record is devoid of any specific instance of discrimination. Further, both defendants have been making and are making a determined effort to recruit Negroes into their unions . . . .
>
> "The Civil Rights Act of 1964 was not intended to penalize unions or others for their sins prior to the effective date of the Act. It is prospective only . . . . The Act specifically forbids a union or a business from giving preferential treatment to Negroes to correct an existing imbalance of whites. In order to be a violation of this Act, there must be an intentional pattern and practice of discrimination and not an isolated instance of discrimination. There is no pattern or practice of discrimination in this case since the effective date of the Act."

In September 1969, however, the U.S. Court of Appeals overruled the district court's decision and reversed and remanded the decision to the district court. The Appeals Court held that individual acts of discrimination did not have to be shown and the unions were engaged in a pattern or practice of resistance to the Act by racial discrimination in exclusion from membership, refusal to organize Negro contractors with Negro employees, requiring Negroes to take a subjective journeyman's examination for membership, discriminatory initiation fees, and discouraging white members from working on sites on which Negro craftsmen were employed.

The two locals were ordered by the court (among other things) to (1) modify experience requirements for Negroes otherwise qualified; (2) modify journeyman's examination procedure so the examination is objective in nature, designed to test ability of applicant to perform journeyman's work, and given and graded in such a manner as to permit review (applicable

only to Sheet Metal Workers Local 36); and (3) undertake a more comprehensive public information program regarding equal opportunity for union membership and related benefits. It should be noted that the court, in this case, did not find IBEW Local 1's requirement that new members must be approved by a vote of the membership to be in violation of Title VII of the Act.

Volger v. McCarty, Inc. 41/

The district court in May 1967 ordered a preliminary injunction issued against Local 53 of the Asbestos Workers, an all-white union which the court stated controls employment and training opportunities in the asbestos and insulation industry in a portion of Louisiana, enjoining the union from discrimination based on race, color, or national origin, since the evidence indicated that the union denied membership to Negroes and Mexican-Americans by requiring that new members be related to present members, be recommended by three present members, and be approved by majority vote of present members. According to the court this denial of membership coupled with the union's refusal to allow Negroes use of its hiring hall established a pattern and practice of discrimination within the meaning of Title VII of the Civil Rights Act of 1964.

The court promptly ordered Local 53 to admit four persons to membership, to refer nine others for employment, and to alternate white and Negro

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41/ Volger v. McCarty, Inc., (Local 53, Asbestos Workers), 294 F. Supp. 368 (1968), 65 LRRM 2554 (E.D. La., 1967), issued preliminary injunction, aff'd Asbestos Workers, Local 53 v. Volger, 407 F. 2d 1047, 70 LRRM 2257 (8th Cir. 1969); Volger v. McCarty, Inc., (Local 53, Asbestos Workers), 2 FEP Cases 491 (E.D. La., 1970).

referrals until objective membership criteria were developed, despite the contention by the union that the order (1) violated the Civil Rights Act's prohibitions against preferential racial treatment and the establishment of a quota system to correct racial imbalance, and (2) penalized the union for pre-Act discrimination in violation of the intent of Congress. In addition, in ordering the development of objective trade-related membership criteria, the court excluded as criteria relationship to or recommendation by present members or other persons employed in the trade, and also any membership vote. The injunction also suspended the admission of new members until such objective criteria were developed.

Local 53 appealed this decision, and in January 1969 the U.S. Court of Appeals ruled. The Appellate Court found that the district court was warranted in restraining the union's admitted discrimination in union membership and employment referrals, where the union limited membership to persons with 4 years of experience as "improver" 42/ members of the union, restricted "improver" membership to sons or close relatives of present members, and refused to refer Negroes and Mexican-Americans for employment. On the issue of nepotism, the court stated:

> "The District Court did no more than prevent future discrimination when it prohibited a continuing exclusion of Negroes through the application of an apparently neutral membership provision which was originally instituted at least in part because of racial discrimination and which served no significant trade-related purpose. While the nepotism requirement is applicable to black and white alike and is not on its face discriminatory, in a completely white union the present effect of its continued application is to forever deny to Negroes and Mexican-Americans any real opportunity for membership."

42/ Apprentices in the Asbestos Workers are called "improvers."

In fact, the Appeals Court agreed with every ruling pronounced by the district court, and thus the district court's entry of a temporary injunction was affirmed.

In February 1970 the district court issued a remedial order requiring Local 53 of the Asbestos Workers to admit membership applicants on the basis of the following criteria: absence of disabling physical defects, U.S. citizenship at time of application or within 5 years from date of admission, and residence at time of application within the union's geographic jurisdiction. However, the union was required to admit only enough persons to bring the total active "mechanic" membership to 390 and the total active "improver" membership to 130. In carrying out this order, the union was required to take the following steps: (1) advance all present "improver" members who have at least 4,800 hours of experience to "mechanic" status; (2) admit as "mechanic" members 118 white persons with most hours worked within the union's jurisdiction who accept membership; (3) admit named Negroes to "mechanic" membership, with substitution by other Negroes for those who decline membership; and (4) admit 55 whites and 55 Negroes as "improver" members, with priority with regard to Negro membership going to named Negroes, followed by Negroes who have worked on referral from union, those who have signed referral register, those who have worked in insulating or related trades, and all other applicants.

Thus, in this case the court dictated the criteria for membership and a plan of referral which was to be implemented and continued in effect until June 1, 1970, and thereafter until further order of the court. The court further decided that a ruling would be deferred until on or after June 1, 1970 on the question of qualifications for mechanic

membership and for referral as mechanics and 1st, 2nd, 3rd, and 4th year improvers and on the question of the creation and implementation of an apprenticeship or training program.

Apprenticeship Requirements

Dobbins v. Local 212, IBEW 43/

In this case the district court ruled that Local 212 of the International Brotherhood of Electrical Workers violated Title VII of the Civil Rights Act by engaging in patterns and practices that have denied Negroes membership in the union, referral opportunities, employment opportunities, and employment, entitling the Federal Government to injunctive relief to insure Negroes the full enjoyment of the rights secured by Title VII.

However, according to the court, the fact that the racial composition of the union's membership and apprentice program was predominantly white on and after the effective date of Title VII of the Civil Rights Act of 1964, is not in itself evidence of unlawful discrimination against Negroes after that date.

The court warned that the labor-management apprenticeship training committee in the electrical industry, under the evidence, violated Title VII by discriminating against Negroes, and an injunction may issue against

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43/ Dobbins v. Local 212, IBEW, 292 F. Supp. 413 (1968), 69 LRRM 2313 (S.D. Ohio, 1968).

the committee unless there is clear evidence that it has completely abandoned its past illegal practices, the burden of proof being on the committee to demonstrate that the wrong will not be repeated.

The district court stated that the labor-management Joint Apprenticeship Training Committee in the electrical field discriminated against Negro applicants in the following manner:

> "In 1965, the J A T C prescreened applicants before the aptitude test was given so as to eliminate therefrom those with low high school grades. Four N's /Negroes/ were thereby rejected. The prescreening did not follow any objective standard. The four N's had better high school records than many of the W's /Whites/ who were tested. The prescreening was (in a great many instances affecting both W's and N's) arbitrary. In fact, W applicants submitting transcripts did have a better overall chance of surviving the prescreening than did N applicants.
>
> "In 1966, and particularly related to the ten points allocable for class rank, the actual allocations by the members of the J A T C will not bear the mathematical test involved. The point awards by the various members were substantially arbitrary and inconsistent. The arbitrariness overall was favorable to the W candidates and unfavorable to the N's . . . .
>
> "Again in 1967 . . . the award of 'extra points' in the education category over and above mathematical propriety in respect of rank . . . continued to favor the W's and disfavor the N's. The N candidates were given virtually the same number of points as Kelly recommended, while W candidates similarly situated were generally awarded extra points . . . ." 44/

The court concluded that -

44/ In 1967 the J A T C hired Mr. James Kelly of the Admissions Department of Xavier University to evaluate the high school transcripts of applicants and award to each applicant the points that he (Mr. Kelly) decided the applicant had earned -- the maximum being 28 points. The court stated: "Kelly is qualified by training and experience to evaluate and rank high school transcripts. This has been done by him fairly and his reported results and point assignments have been without any discrimination whatsoever."

"The J A T C will be, of course, generally prohibited by decree from engaging in any discriminatory conduct and specifically will be mandatorily directed to accept objectively the evaluations of its experts. This does not necessarily deprive the J A T C of some discretion in areas where discretion would be obviously allowable; it does deprive the J A T C of arbitrary and inexplicable differences from its own experts' reports."

In addition, the court also ordered the admission of one of the complainants to the apprenticeship program.

The district court retained jurisdiction over this case to insure compliance, as the court decided that it had not been clearly shown that all of the past discrimination had been eradicated.

Admission and Apprenticeship Requirements

U.S. v. Local 73, Plumbers 45/

In August 1969 the district court ruled that the Plumbers Union and the labor-management joint apprenticeship and training committee violated Title VII of the 1964 Civil Rights Act by engaging in a policy and practice of refusing Negroes union membership, referral opportunities, recruitment for referral or membership on same basis as whites and acceptance into the apprenticeship program.

As of March 1968 Local 73 was an all-white local. In fact, very few Negro plumbers had ever even applied for membership in the local. Those who did, both before and after the Civil Rights Act of 1964 were stalled

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45/ U.S. v. Local 73, Plumbers, 2 FEP Cases 81 (S.D. Ind., 1969).

along for one reason or another so that none ever actually appeared before the examining board for admission.

Local 73 was also a party to a collective bargaining agreement with 35 plumbing contractors according to which it had the exclusive right to refer applicants for employment as plumbers. Contractors were permitted to hire their own men if the local was unable to supply a request within 48 hours, but men hired in this way then had to be sent to the local for clearance. The local has not had enough members to meet the demand for many years, and thus has adopted three principal methods to meet the shortage: (1) it advised the national union of the availability of work in the Indianapolis area and utilized "travelers" (members of other Plumbers locals) who had entered its jurisdiction, (2) it recruited some nonunion plumbers for referral and possible membership, and (3) it issued work permits ("white cards") to workers without enough experience to qualify as journeymen. Of several hundred men obtained in this fashion since July 2, 1965, all were white until July 1968, some 4 to 5 months after the filing of this suit. Prior to that time, Negro plumbers were not told that they could work as "white card" men, nor referred to union contractors, nor recruited for membership in the local; the reverse was true of whites.

Based on these facts, the court ordered the union to take the following steps as far as admission to membership is concerned:

> "Local 73 shall offer examinations for direct journeyman membership at least once every three months for the next two years whenever there are applicants for journeyman membership. Each applicant who meets the prerequisites for taking the examination shall be given at least one week's written notice of the date and place of the examination and the nature of the examination . . . .

"Local 73 shall admit applicants to membership who meet the prerequisites for taking the examination and successfully attain a passing grade on the examination and pay the necessary initiation fees for journeyman membership. No vote by membership or any constituent board of Local 73 shall be required prior to the admission of persons to membership during the next two years . . . .

"Local 73 shall prepare a brief statement of its admission requirements and procedures, copies of which shall be furnished to the United States, and all applicants for membership, and a copy of the same shall be prominently posted in Local 73's Union Hall.

"Local 73 shall offer each of the Negro plumbers presently licensed by the City of Indianapolis, and who is not presently a member of the local, the opportunity to apply for journeyman membership in the union by personally contacting those persons and describing the benefits of union membership. The names and addresses of such individuals appear on Appendix A hereof. Further, any such Negro not desiring membership shall be offered referral out of the union on a nondiscriminatory basis as a 'white card' holder . . . ."

Turning our attention to the apprenticeship program, the court noted that the J A C administers the apprenticeship program, establishes the standards for the selection of candidates, and determines which persons shall be admitted to the program.

Until after the filing of this suit, only two Negroes ever applied for the J A C program, and only one made his application after July 2, 1965, the effective date of the Act. Neither of the two was accepted. The first one, who applied in 1961, had a vocational certificate in plumbing and was told there was no vacancy. However, some 3 months later, the J A C selected five white applicants to take the aptitude test, three of which had applied subsequent to the Negro applicant. All five were accepted. It is thus rather obvious that the Negro applicant was discriminated against because of his race. The other Negro applicant applied in 1967, at which time he was given the test which was administered by a

nonpartisan agency. He failed it at that time rather badly, and thus there was no evidence in this instance that he was discriminated against.

However, it has long been the history in this union that relatives of union members have fared significantly better in getting into the apprenticeship program than those who were not relatives. For example, before 1965 virtually all apprentices were recommended either by a relative or a union contractor; in 1965, 1966, and 1967 approximately 80 percent of all related applicants were accepted, but only about 50 percent of those who were not related. Based on these figures it seems fair to say that nepotism has consistently played a part in the selection of apprentices.

Since this local has no Negro members because of its long history of racial discrimination, the preferential treatment accorded related applicants severely restricts the opportunities of Negro applicants for the apprenticeship program.

In addition, Local 73 has a formal agreement with the M C A (the Mechanical Contractors' Association of Central Indiana, Inc.), which is the employer representative on the J A C, to provide summer employment for students. This program, however, is limited to sons of union members, thus denying Negroes the opportunity to gain J A C-approved work experience. The J A C also takes this summer work experience into consideration when evaluating applicants for the apprenticeship program.

The J A C prior to 1967 took no steps at all to distribute information about the apprenticeship program other than by word of mouth. Thus, because there were no Negro members of the J A C, M C A or Local 73, the J A C's failure to distribute information other than by word of mouth had the effect of preventing Negroes from obtaining information about the

program. In fact in 1967, 76 percent of the apprentice applicants learned of the program through contact with either union members or union contractors. Local 73's discriminatory reputation in the Negro community combined with the failure of the J A C to disseminate information concerning the apprenticeship program accounted for the very small number of Negroes applying to the apprenticeship program.

Based on this reasoning the court, in part, ruled as follows:

> "The J A C shall continue to follow the standards for the selection of apprentices adopted by the Committee in 1968, and shall assign points based on the factors contained therein, except that the Committee shall amend their standards so as to provide no more than 15 per cent of the total possible number of points for the oral interview, and shall make the interview more objective by assigning maximum points to be awarded in each category set out in Standard 3(d), appearing on page 5 of the 1968 standards . . . .
>
> "The defendant J A C shall take steps to apprise minority group youth residing in the jurisdiction of Local 73 of the qualifications and procedures for admission into the plumbing apprenticeship program. Specifically, the defendant J A C shall advertise for apprentice applicants in at least one local Negro newspaper, at least twice within 30 days, mail informational circulars, explaining application procedures to the guidance counselors of all high schools and junior high schools in Marion County, Indiana, including evening divisions, and to the organizations listed in Appendix B. These procedures shall be repeated in the spring of 1970 and 1971. In addition, such high schools and organizations should also be furnished with apprentice application forms with instructions that an applicant can complete it and mail it to the J A C. This same procedure shall be repeated in the spring of 1970 and 1971."

In conclusion the court stated that

"Defendant Indianapolis and Plumbers Joint Apprenticeship and Training Committee, its officers, agents, employees, successors, and all persons in active concert or participation with them in the administration of the apprenticeship program are permanently enjoined from engaging in any act or practice relating to employment opportunity which has the purpose or effect of discriminating against any individual on the basis of race. They shall receive applications, test, evaluate, select applicants, recruit, and otherwise administer the plumbing apprenticeship program without regard to the race of applicants and participants and so as to insure that no individual is subjected to racial discrimination in admission to or participation in the program."

The court ruled that it would retain jurisdiction in this case even though some progress had been made in eliminating discrimination since the suit was filed. It also noted that the efforts of the union officers in this regard had been met by some resistance on the part of the membership.

U.S. v. Local 86, Ironworkers 46/

The district court in June 1970 ruled that four unions, the Ironworkers, the Plumbers, the Sheet Metal Workers, and the Electrical Workers-IBEW, violated Title VII of the Civil Rights Act of 1964 by engaging in a pattern and practice of discrimination against Negro membership and referral applicants because of their race, and in addition three joint union-contractor apprenticeship committees also committed the same violation, in that both the unions and committees (1) limited information with regard to membership, work opportunities, and apprenticeship training to union members and other white persons, (2) gave false or misleading information to Negro applicants and failed to inform them of procedures for application for membership, referral, or apprenticeship training, (3) applied higher

46/ U.S. v. Local 86, Plumbers, 2 FEP Cases 741 (W.D. Wash., 1970).

standards and more stringent procedures to Negroes than to whites, (4) attempted to recruit whites while making no effort to recruit Negroes, and (5) with respect to training programs or work referral, gave preference to relatives of union members and contractors, thereby restricting employment opportunities of Negroes.

The four unions involved in the case were ordered by the court (1) not to discriminate against any person because of his race, (2) to offer membership and referral to certain Negro applicants, (3) not to support any refusal to work by their members where its purpose is to obtain objective prohibited by court order, (4) to administer their affairs so as to provide opportunities for membership and employment to Negroes which are equal to those provided whites, (5) to maintain records of referral and membership applicants which includes their race, (6) to transmit to U.S. Attorney General copies of all membership and referral applications, hiring hall dispatch slips, health and welfare reports, termination slips, and names of all Negro employment applicants who are not placed on out-of-work lists or referred for work and reason for this treatment so that the Attorney General may submit a statistical summary and analysis to the court every 6 months, (7) to maintain a register of all requests by contractors for each trade classification of employees, (8) to give a brief statement describing the operation of referral systems and membership requirements to each Negro applicant, (9) to place advertisements in newspapers serving the Negro community describing work opportunities available through unions and procedures for obtaining such opportunities, (10) to send to organizations helping Negroes obtain jobs a statement describing the operation of referral systems and membership requirements and copies of

union constitution and bylaws, current collective bargaining agreements, and court order, and (11) to continue participation in the building trades' "Outreach Program."

As far as membership admission is concerned, the court ordered the four unions to admit Negroes who have a required number of hours or years of experience reasonably related to trade, passed a journeyman examination if required, submitted letters from past employers if required, and paid the standard initiation fee, which was defined as the average between the initiation fee charged upon the effective date of the Act and the initiation fee charged upon the effective date of the court order; in addition, according to the court, such applicants are not required to provide names of union members who will vouch for them. The court further stated that if unions conduct membership examinations, such examinations are to be offered at least once every 4 months and shall be no more stringent than those given in the last 5 years; that accepted passing scores for Negroes applying for membership in the Sheet Metal Workers union are to be no higher than accepted passing scores for whites in the past 5 years; and that the unions are not to change the referral rights of Negro applicants who fail to achieve a passing grade on examinations.

In the area of apprenticeship training the district court ruled that the joint union-contractor apprenticeship and training committees of the Ironworkers, Sheet Metal Workers, and Plumbers must take the following steps: (1) provide employment opportunities to Negro applicants and participants that are equal to those provided white applicants and participants, (2) disseminate brief summary of admission and graduation requirements along with brief description of employment opportunities to all

apprenticeship applicants, organizations that help Negroes to obtain jobs, and high school vocational guidance counselors, (3) place advertisements in newspapers serving Negro community describing work opportunities available through apprenticeship programs, requirements and procedures for obtaining such opportunities, pay rates for beginning apprentices, and current journeyman scale, (4) consider as qualified applicants for regular programs only those persons who meet age, education, health, residency, and test requirements established by the court, (5) indenture a sufficient number of Negro apprentices so as to insure 30 percent minimum participation in each regular-program class by Negroes and replace Negroes whose apprenticeships terminate in less than 3 months with newly indentured Negro apprentices, (6) develop special apprenticeship programs emphasizing on-the-job training to meet special needs of overage Negro applicants with no previous experience or special skills in the trade and any Negro applicant of apprenticeable age or older who has some previous experience or special skills in the trade but does not meet journeyman standards, (7) until special apprenticeship programs are implemented, cooperate with contractors in establishing preapprenticeship programs and file reports with the U.S. Attorney General covering preapprentices' reasons for leaving programs and steps taken to retain them, (8) maintain complete records of all applications and other material concerned with selection and work records of both regular and special apprentices, and (9) submit periodic reports detailing efforts taken to comply with provisions of the court order.

In addition the court ordered to be established an advisory committee consisting of two representatives each from labor unions, contractors'

associations, the Negro community, and public-construction-project owners and one representative from some minority group other than Negro for the purpose of overseeing court-ordered affirmative action programs to increase the number of Negro apprentices, which committee shall have the following responsibilities: (A) communicating contents of the court order and steps taken to implement it to the Negro and other minority communities, (B) cooperating and consulting with appropriate organizations in attempting to formulate new or altered apprenticeship training programs, (C) submitting a report to the court expressing its views on special apprenticeship programs to be drawn up by apprenticeship committees, (D) issuing letters of recommendation to persons who are likely to complete special apprenticeship training programs, and (E) conciliating. 47/

This case is extremely important because it is the first time that the court has told a union that it must establish a training program for minorities and admit them to the union.

Summary

The decisions of the courts in the cases cited in this chapter reflect a growing concern on the part of the courts and the government in assuring an equal opportunity for all desiring entry into the building trades, either as journeymen or apprentices.

An analysis of these five decisions reveals that the courts have ruled as follows as regards requirements for union membership:

47/ The court did not specify the meaning of this term, but it appears that the Advisory Committee was charged with conciliating disputes between the unions, the contractors, and the representatives of the black and other minority groups in the implementation of the decree.

(1) Objective journeymen examinations must be given; that is, they must be objective in nature, designed to test the ability of the applicant to perform journeyman's work, and given and graded in such a manner as to permit review.

(2) One court ruled as discriminatory the following three requirements: relationship to present members, endorsement by present members, and approval by vote of the membership. It should be noted that the courts actually split on this last issue, approval by vote of the membership, as another court did not find this requirement to be discriminatory.

(3) Two courts dictated the membership criteria to be used by local unions in admitting new applicants. One court specified the following: absence of disabling physical defects, U.S. citizenship at time of application or within 5 years from date of admission, and residence at time of application within the union's geographical jurisdiction. The other court included number of hours or years of experience related to the trade, a journeyman examination, letters of recommendation from past employers, and payment of a standard initiation fee.

(4) One court ordered a local to prepare a statement of its admission requirements and procedures and to furnish them to all applicants so that all such applicants would be aware of the specific requirements for admission.

As far as apprenticeship is concerned, the courts agreed that objective standards must be used in evaluating applicants for any apprenticeship program. They did not, however, usually specify what these standards should be, with one exception. In U.S. v. Local 86, Ironworkers the district court ruled that the joint union-contractor apprenticeship and training

committees should consider as qualified applicants for regular apprenticeship programs only those persons who meet the age, education, health, residency, and test requirements established by the court. The feeling of the courts in this area is perhaps best stated in U.S. v. Local 73, Plumbers. 48/ In this case the district court ruled that the Local Joint Apprenticeship and Training Committee "shall receive applications, test, evaluate, select applicants, recruit, and otherwise administer the plumbing apprenticeship program without regard to the race of applicants and participants and so as to insure that no individual is subjected to racial discrimination in admission to or participation in the program."

Thus, the courts have not only found many union requirements and procedures for admission and apprenticeship to be discriminatory, in fact, but have also set forth extremely detailed procedures for the unions to follow in order to bring their requirements in compliance with Title VII of the Civil Rights Act of 1964.

48/ See footnote 45, p. 69.

VI. SUMMARY AND CONCLUSIONS

A great deal of interest and attention has recently been focused on the problem of minority group employment and especially their low representation in the craft unions in the building trades. The concern with this problem includes not only the apprenticeship programs of these unions, but also the admission by the unions of workers who have not served an apprenticeship but who may be qualified as journeymen.

This study has examined the journeymen admission policies and apprenticeship requirements of the building trades unions as provided in their national and local constitutions, and in their national and local apprenticeship standards under the program of the BAT. Several court cases which have dealt with this problem under Title VII of the Civil Rights Act of 1964 have also been analyzed.

Journeymen Admission Policies in National and Local Constitutions

The constitutions of the 17 national craft unions affiliated with the Building and Construction Trades Department of the AFL-CIO, and the constitutions and bylaws of 98 local unions affiliated with these unions were examined.

The most important criteria for admission as a journeyman and the most frequently occurring criteria specified in the 17 national constitutions were work experience or competence (15 unions), approval by membership

(13 unions), examination (12 unions), good moral character (10 unions), and nomination or endorsement by members (9 unions). The national union constitutions which provided for the most qualifications for admission as a journeyman were the Carpenters, which specified seven different qualifications, and the Asbestos Workers which specified six.

Analysis of local constitutions revealed that insofar as qualifications for admission as a journeyman are concerned, local unions generally follow their national constitutions. Usually the locals simply adopt the provisions in the national constitutions or are silent on the different qualifications and thus would be bound by the provisions in the national constitutions.

Apprenticeship Requirements in National and Local Constitutions

The most frequently occurring provision as regards qualifications for apprenticeship was a general statement in the national constitution that qualifications for apprenticeship were subject to local union regulation. (By inference, of course, this was applicable only to those qualifications not specified in the national constitution.) Fourteen of the 17 national constitutions studied contained this provision. In terms of substantive requirements, however, only a small minority of the national constitutions referred to qualifications for apprenticeship. For example, the most frequently occurring provision related to age (six unions), followed by examination (three unions) and good moral character (three unions). The constitutions which specified the most qualifications were the Asbestos Workers with six and the Iron Workers with five. Two union constitutions, the Marble Polishers and the Sheet Metal Workers, contained no qualifications for apprenticeship at all.

There was even less information on qualifications for apprenticeship in local constitutions than in the national constitutions. Nevertheless, where the locals did refer to apprenticeship, they almost invariably followed those qualifications specified by the national constitutions.

More information was available, however, in both national and local constitutions on other apprenticeship provisions, namely, period of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates. For example, a majority of the 17 national constitutions (12) provided for a definite period of apprenticeship, while almost half (8) of 17 specified apprentice-journeymen ratios.

Apprenticeship Requirements in National and Local Apprenticeship Standards

The national recommended apprenticeship standards, as approved by BAT, of 13 national unions affiliated with the Building and Construction Trades Department of the AFL-CIO, and the local apprenticeship standards of 15 local unions affiliated with these unions, as approved by the D.C. Apprenticeship Council, were studied to determine the qualifications for apprenticeship, as well as some other data on apprenticeship in these unions.

Age, physical fitness, and a provision that the local joint apprenticeship committee shall establish procedures for the selection of apprentices were the most frequently occurring criteria for apprenticeship. All 13 national standards studied contained these provisions. However, the most important substantive qualifications for apprenticeship specified in these standards appear to be education and examination, both of which

appeared in 12 national standards. The national apprenticeship standards which specified the most qualifications for apprenticeship were the Bricklayers, Carpenters, Operating Engineers, Iron Workers, Lathers, Painters, Plumbers, and the Roofers, all of which contained eight different qualifications for apprenticeship.

Locally, the most frequently occurring qualifications for apprenticeship were age (15 unions), education (15 unions), physical fitness (15 unions) and selection procedures (15 unions), followed by citizenship (14 unions), and nondiscrimination (12 unions). All 15 of the local standards studied specified at least six qualifications for apprenticeship, with the Boilermakers and Carpenters specifying the most, eight.

Both the national and local apprenticeship standards specified a significant amount of detail relating to other provisions on apprenticeship, such as period of apprenticeship, apprentice-journeymen ratios, and apprentice wage rates. All 13 national standards specified a period of apprenticeship and 12 of the 13 specified apprentice wage rates. Provisions relating to periods of apprenticeship were found in all 15 local standards studied, while 13 of the standards contained apprentice-journeymen ratios and apprentice wage rates.

Federal Court Decisions Involving Admission and Apprenticeship

The decisions of the courts in this area have oftentimes set forth very detailed procedures for the unions to follow in order to bring their requirements in compliance with the nondiscrimination provision of Title VII of the 1964 Civil Rights Act. For example, in Volger v. McCarty, Inc.

the court dictated the specific membership criteria to be used in admitting new applicants as journeymen. The criteria were: absence of disabling physical defects, U.S. citizenship at time of application or within 5 years from date of admission, and residence at time of application within the union's geographical jurisdiction. The Federal Courts have also ruled as discriminatory the following three specific requirements for union membership: relationship to present members, endorsement by present members, and approval by vote of the membership. (Actually the courts split on the last issue, approval by vote of the membership.)

Regarding the criteria for apprenticeship, the courts were normally not as explicit, usually specifying only that objective standards must be used in evaluating applicants for an apprenticeship program. However, in one case, U.S. v. Local 86, Ironworkers, the court was very explicit as to what these standards should be. In this case the district court stated that the joint apprenticeship and training committees should regard as qualified applicants for regular apprenticeship programs only those persons who meet the age, education, health, residency, and test requirements established by the court.

* * * *

Based on the findings of this study, some conclusions can be drawn.

(1) National unions appear to exercise a great deal of constitutional control over local union practice as far as qualifications for admission as a journeyman are concerned.

(2) The union constitutions, both national and local, provide very little information on qualifications for apprenticeship.

(3) Thus, based on the constitutional analysis, local unions have more autonomy in establishing their apprenticeship requirements than they do in establishing the qualifications for journeyman membership.

(4) National apprenticeship standards approved by BAT are intended to serve as guides for locals establishing their own apprenticeship systems. Though the locals generally follow these guides, the variations show that they are under no obligation to do so in the exercise of their local autonomy.

(5) The Federal Courts have set aside admission and apprenticeship requirements which have been discriminatory in effect and have decreed, that all such requirements must be objective in character and nondiscriminatory.

APPENDIX

SHORT FORM TITLES AND FULL NAMES
OF NATIONAL UNIONS INCLUDED IN THE STUDY

Short form	Full name
Asbestos Workers	Asbestos Workers; International Association of Heat and Frost Insulators and (AFL-CIO)
Boilermakers	Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; International Brotherhood of (AFL-CIO)
Bricklayers	Bricklayers, Masons and Plasterers' International Union of America (AFL-CIO)
Carpenters	Carpenters and Joiners of America; United Brotherhood of (AFL-CIO)
Electrical Workers-IBEW	Electrical Workers; International Brotherhood of (AFL-CIO)
Elevator Constructors	Elevator Constructors; International Union of (AFL-CIO)
Engineers, Operating	Engineers; International Union of Operating (AFL-CIO)
Granite Cutters	Granite Cutters' International Association of America (AFL-CIO)
Iron Workers	Iron Workers; International Association of Bridge, Structural and Ornamental (AFL-CIO)
Lathers	Lathers International Union; The Wood, Wire and Metal (AFL-CIO)

Short form	Full name
Marble Polishers	Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Marble Mosaic and Terrazzo Workers' Helpers; International Association of (AFL-CIO)
Painters 1/	Painters, Decorators and Paperhangers of America; Brotherhood of (AFL-CIO)
Plasterers	Plasterers' and Cement Masons' International Association of the United States and Canada; Operative (AFL-CIO)
Plumbers	Plumbing and Pipe Fitting Industry of the United States and Canada; United Association of Journeymen and Apprentices of the (AFL-CIO)
Roofers	Roofers, Damp and Waterproof Workers Association; United Slate, Tile and Composition (AFL-CIO)
Sheet Metal Workers	Sheet Metal Workers' International Association (AFL-CIO)
Stone Cutters 2/	Stone Cutters Association of North America; Journeymen (AFL-CIO)

1/ Name changed to International Brotherhood of Painters and Allied Trades, effective January 1, 1970.

2/ The Stone Cutters merged with the Laborers on February 1, 1968.

APPENDIX TABLES

Table 1. Qualifications for Admission to the Building Trades Unions as Journeyman, National and Local Union Constitutional Provisions in Effect December 1967 1/

National union	Membership of national (000)	Number of locals analyzed	Qualifications for admission																	
			Age		Citizenship		Good moral character		Education		Examination		Work experience or competence		Nomination or endorsement by members		Approval by membership		Other	
2/	3/		4/		5/		6/		7/		8/		9/		10/		11/		12/	
			N	L	N	L	N	L	N	L	N	L	N	L	N	L	N	L	N	L
Total	3,190	98	3	5	7	1	10	5	1	1	12	30	15	12	9	27	13	14	3	9
Asbestos Workers	13	1	-	L(1)	N	-	N	-	-	L(1)	N	-	N	-	-	L(1)	N	-	N	-
Boilermakers	140	5	-	-	-	-	-	-	-	-	-	L(1)	N	-	N	-	-	L(5)	-	-
Bricklayers	149	10	-	-	N	-	-	L(1)	-	-	N	L(4)	N	L(1)	N	-	N	-	-	-
Carpenters	800	12	N	-	N	-	N	-	-	-	N	L(3)	N	-	N	-	N	-	-	L(3)
Electrical Workers-IBEW	875	10	N	-	-	-	N	-	-	-	N	L(9)	N	L(1)	-	-	N	-	-	L(1)
Elevator Constructors	14	4	N	-	-	-	-	L(4)	N	-	-	L(4)	-	L(4)	-	L(4)	-	L(4)	N	L(1)
Engineers, Operating	330	5	-	-	-	-	N	-	-	-	N	-	N	L(1)	-	L(1)	N	-	-	L(1)
Granite Cutters	3	1	-	-	-	-	-	-	-	-	-	-	-	-	N	-	N	-	N	L(1)
Iron Workers	162	5	-	-	-	-	N	-	-	-	N	-	N	-	N	-	N	-	-	-
Lathers	16	5	-	-	N	-	-	-	-	-	N	-	N	-	-	L(5)	-	L(4)	-	-
Marble Polishers	9	5	-	L(3)	N	-	N	-	-	-	-	L(1)	N	L(1)	N	-	N	-	-	L(1)
Painters	201	11	-	-	-	-	N	-	-	-	N	-	N	-	N	-	N	-	-	-
Plasterers	68	5	-	-	-	-	-	-	-	-	N	L(3)	N	-	-	L(4)	N	-	-	-
Plumbers	285	10	-	-	-	L(1)	N	-	-	-	N	-	N	L(2)	-	L(7)	N	-	-	L(1)
Roofers	23	5	-	L(1)	N	-	N	-	-	-	N	L(5)	N	L(1)	-	L(4)	-	L(1)	-	-
Sheet Metal Workers	100	3	-	-	-	-	N	-	-	-	N	-	N	-	N	L(1)	N	-	-	-
Stone Cutters	2	1	-	-	N	-	-	-	-	-	-	-	N	L(1)	N	-	N	-	-	-

Guide to Table: Each of the columns in this table, except the first two, is sub-divided into N and L sections. An N indicates that under this subject heading there is some provision in the national constitution. An L has the same meaning as to local constitutions. Because the national constitution is binding upon all locals of the national, and local constitutions theoretically cannot be in conflict with the national constitution, no L appears where the local constitution simply repeats the national constitution. Where an L appears alone or under the same subject heading with an N, it indicates that the local has added to or differs from the basic qualification (if any) in the national constitution. In these cases, there is a numeral in parentheses following the L. This numeral shows the number of locals in this union which vary from the national; and this can be compared with the number of locals of this national which were studied. Example: Under the column on "Examination," the Bricklayers show a national provision, and also a local provision for 4 locals of the 10 Bricklayer locals studied.

1/ The qualifications for admission analyzed for this table cover all provisions for admission as a journeyman member. The table includes all national craft unions affiliated with the Building and Construction Trades Department of the AFL-CIO (except the Laborers which was excluded because it is not generally considered a craft union) as listed in U.S. Bureau of Labor Statistics, Directory of National and International Unions, 1967 (Bulletin No. 1596, 1968). The local unions analyzed are a random (but not necessarily representative) sample of the locals of these nationals. The constitutions analyzed are those filed with the U.S. Department of Labor as required by the Labor-Management Reporting and Disclosure Act of 1959. (The Stone Cutters merged with the Laborers in February 1968.)

2/ These are short-form titles as used in U.S. Department of Labor, Register of Reporting Labor Organizations, Labor-Management Services Administration, 1968. Complete titles are on pp. VII-XV of this register.

3/ As reported in BLS Directory, op. cit.

4/ National ages specified are: Carpenters, 17; Electrical Workers, 16; Elevator Constructors, 18. Local ages specified are: Asbestos Workers, 18; Marble Polishers, 2 at 18, 1 at 20-60; Roofers, 18.

5/ This is set forth, except in the Plasterers, as requiring citizenship or the declaration of intent to become a citizen. The Plasterers have no national requirement but specifically allow a local to reject an alien who has not filed his intention to become a citizen.

6/ This is not further defined in any of the constitutions.

7/ The Asbestos Workers local requires a high school diploma; the Elevator Constructors nationally require a high school education or its equivalent.

8/ The examination referred to is one to demonstrate applicant's ability to do the work, specifically in these terms, or by inference from the context of the language. The examination is a must nationally in the Asbestos Workers, the Iron Workers, the Lathers, the Painters, the Plasterers and the Plumbers; it is optional with the locals in the Carpenters, Electrical Workers, Operating Engineers, Roofers and Sheet Metal Workers; and in the Bricklayers it is necessary only if complaint is made of applicant's ability. In regard to local constitutional provisions, in three unions with local option (Carpenters, Electrical Workers, Roofers) the indicated number of locals have opted for examination; in the Plasterers, which is mandatory nationally, the indicated locals' provisions state that the examination "may" be required; and in the Bricklayers, the indicated locals call for examination even if no complaint of ability has been made.

9/ In this category are found clauses requiring applicants to be employed or have experience in the trade, to be "competent mechanics," to be a "practical bricklayer," and similar phraseology. Some of these too, as noted, require a specific period of experience, or competence to command the union wage. At the national level, specified periods of experience are required in the Lathers (2 years), Painters (3 years), Plasterers (equivalent to apprenticeship period, which is a 3 year minimum), and Plumbers (minimum 5 years, plus affidavits on ability from "recognized" employers). Competence to command the union scale is nationally required in the Bricklayers, Carpenters, Iron Workers, Lathers, and Painters. Locally, the one local in the Bricklayers requires 3 years experience; the one local in both the Electrical Workers and the Roofers requires 5 years experience; those in the Elevator Constructors specify that an applicant must have worked at least 1 month at the trade with a member who has vouched for him; those in the Marble Polishers and Plumbers require competence to command the union scale; and one local in both the Operating Engineers and the Plumbers requires applicants to be fully licensed (this appears to be a legal requirement for the type of work performed). In the Stone Cutters, one local will not admit anyone who has not served an apprenticeship.

10/ Included in this category are requirements that an applicant must be nominated or proposed for membership or vouched for by someone already a member of the union, or that the application be endorsed or countersigned by a member. The constitutions do not supply further detail except that in the Carpenters the national clause calls for a voucher from members as to applicant's "fitness" to become a member; and in one local of the Sheet Metal Workers the application must be signed by two members of the local executive board.

11/ This is set forth, except in the Sheet Metal Workers, as requiring approval by the local membership, by vote, usually at a membership meeting. The Sheet Metal Workers provides that each application shall be filed with the financial secretary and referred by him to a regular meeting of the local union or to the local executive board for approval or disapproval.

12/ This miscellany does not warrant separate explication of each clause. The most frequent clause related to health requirements (6 clauses). One national union (Asbestos Workers) specified that all applicants for journeyman membership in a local must be approved by the national union.

LMSA/OLMPD
July 1970

Table 2. Provisions on Apprenticeship in the Building Trades Unions, as Specified by National and Local Constitutions and Bylaws in Effect December 1967 1/

National union	Membership of national (000)	Number of locals analyzed	Qualifications for apprenticeship										Other provisions on apprenticeship					
			Age		Citizenship		Good moral character		Examination		Subject to local union regulation	Other			Period of apprenticeship		Apprentice—journeymen ratio		Apprentice wage rates	
2/	3/		4/		5/		6/		7/		8/	9/			10/		11/		12/	
			N	L	N	L	N	L	N	L	N	N		L	N	L	N	L	N	L
Total	3,190	98	6	18	2	0	3	0	3	0	14	3		1	12	21	8	24	2	19
Asbestos Workers	13	1	N	-	N	-	N	-	N	-	N	N		-	N	-	N	-	N	-
Boilermakers	140	5	-	-	-	-	-	-	-	-	N	-		-	-	-	-	-	-	-
Bricklayers	149	10	-	L(9)	-	-	-	-	-	-	N	-		-	N	L(8)	-	L(8)	-	L(5)
Carpenters	800	12	N	L(1)	-	-	N	-	N	-	N	-		-	N	-	N	L(4)	-	L(6)
Electrical Workers-IBEW	875	10	-	-	-	-	-	-	-	-	N	-		-	-	L(4)	-	L(1)	-	L(1)
Elevator Constructors	14	4	-	-	-	-	-	-	-	-	N	-		-	-	L(4)	-	-	-	-
Engineers, Operating	330	5	-	-	-	-	-	-	-	-	N	-		-	N	-	-	-	-	-
Granite Cutters	3	1	-	-	-	-	-	-	-	-	N	-		-	N	-	-	-	-	-
Iron Workers	162	5	N	-	N	-	-	-	N	-	N	N		-	N	-	N	-	N	L(4)
Lathers	16	5	N	-	-	-	-	-	-	-	-	-		-	N	-	N	-	-	-
Marble Polishers	9	5	-	-	-	-	-	-	-	-	-	-		-	N	-	-	-	-	-
Painters	201	11	N	L(3)	-	-	-	-	-	-	N	-		-	N	L(2)	N	L(3)	-	L(1)
Plasterers	68	5	-	L(1)	-	-	-	-	-	-	N	-		-	N	L(2)	N	L(1)	-	-
Plumbers	285	10	-	L(2)	-	-	N	-	-	-	N	N		L(1)	N	-	N	L(6)	-	L(1)
Roofers	23	5	-	-	-	-	-	-	-	-	N	-		-	-	-	-	-	-	-
Sheet Metal Workers	100	3	-	L(1)	-	-	-	-	-	-	-	-		-	-	L(1)	-	-	-	L(1)
Stone Cutters	2	1	N	L(1)	-	-	-	-	-	-	N	-		-	N	-	N	L(1)	-	-

Guide to Table: Each of the columns in this table, except columns 1, 2, and 8, is sub-divided into N and L sections. An N indicates that under this subject heading there is some provision in the national constitution. An L has the same meaning as to local constitutions. Because the national constitution is binding upon all locals of the national, and local constitutions theoretically cannot be in conflict with the national constitution, no L appears where the local constitution simply repeats the national constitution. Where an L appears alone or under the same subject heading with an N, it indicates that the local has added to or differs from the basic qualification (if any) in the national constitution. In these cases, there is a numeral in parentheses following the L. This numeral shows the number of locals in this union which vary from the national; and this can be compared with the number of locals of this national which were studied. Example: Under the column on "Age," the Painters show a national provision and also a local provision for 3 locals of the 11 Painters locals studied.

1/ This table includes all national craft unions affiliated with the Building and Construction Trades Department of the AFL-CIO (except the Laborers which was excluded because it is not generally considered a craft union) as listed in the U.S. Bureau of Labor Statistics, Directory of National and International Unions, 1967 (Bulletin No. 1596, 1968). The local unions analyzed are a random (but not necessarily representative) sample of the locals of these nationals. The constitutions analyzed are those filed with the U.S. Department of Labor as required by the Labor-Management Reporting and Disclosure Act of 1959. (The Stone Cutters merged with the Laborers in February 1968.)

2/ These are short-form titles as used in U.S. Department of Labor, Register of Reporting Labor Organizations, Labor-Management Services Administration, 1968. Complete titles are shown on pp. VII-XV of that publication.

3/ As reported in BLS Directory, op. cit.

4/ National ages specified are: Asbestos Workers and Iron Workers, 18-30; Carpenters, 17-27, except that age limits for an apprentice with previous military experience are 17-32; Lathers, 16-26, except that veterans over 26 may be admitted at the option of the local; Painters, under 26 at time of registration unless special dispensation is granted by the G.E.B.; Stone Cutters, 16-20, except that the age for machine apprentices is 18-27, subject to local autonomy.

Local ages specified are: Bricklayers, 1 at 16-21, 1 at 17-20, 2 at 17-21, 1 at 17-24, 1 at max. 18 (with the exception of members' sons), 1 at max. 21, 1 at max. 22 (with the exception of a son of a journeyman member or a deceased member), and 1 at max. 24-1/2; Carpenters, 17-23; Painters, 1 at less than 21, 1 at max. 21, and 1 at 16-26; Plasterers, 18-24; Plumbers, 1 at 18-21, and 1 at 18-25; Sheet Metal Workers, 16-23; and Stone Cutters, 17-23, except that the age for machine-men apprentices is 19-24.

5/ This is set forth as requiring citizenship or the declaration of intent to become a citizen. The Bricklayers have no national requirement but one of the local constitutions specifically allows local to reject an applicant whose parent or legal guardian is not a U.S. citizen.

6/ This is not further defined in any of the constitutions.

7/ The Asbestos Workers constitution specifies that an applicant for apprenticeship is subject to a physical exam by a physician selected by the local. The Iron Workers constitution provides that applicants for apprenticeship shall have a pronounced aptitude and interest in the craft and be physically able to perform the required work.

8/ An N in this column indicates that there was a general statement in the national constitution that the qualifications for apprenticeship were subject to local union regulation. By inference, this applies only to those qualifications not specified in the national constitution.

9/ This miscellany does not warrant separate explication of each clause. The most frequent clause required applicants to be able to understand, read and write the English language (2 clauses).

10/ Periods of apprenticeship specified in national constitutions are: 3 years (consecutive) - Painters; 4 years - Asbestos Workers, Carpenters, Marble Polishers; 5 years - Plumbers; min. 2 years - Lathers; min. 3 years - Bricklayers, Operating Engineers, Iron Workers, Plasterers; max. 4 years (depending upon occupation) - Granite Cutters; and 2-4 years (depending upon occupation) - Stone Cutters.

Periods of apprenticeship specified in local constitutions are: Bricklayers, 4 at 3 years, 2 at 4 years, 1 at min. 4 years, 1 at 2-3 years (depending upon occupation); Electrical Workers, 4 at 4 years; Elevator Constructors, 4 at 2 years; Painters, 1 at 5 years, 1 at min. 3 years; Plasterers, 1 at 4 years, 1 at 3-4 years (depending upon occupation); and Sheet Metal Workers, 1 at 4 years. Four other Painters locals which were included in the analysis provided for 3-year terms of apprenticeship, with 1 of the 4 additionally specifying 3 consecutive years, as specified in the national. All 4 of these locals were counted as simply repeating the national provision for purposes of this table. The 4 Elevator Constructors locals in this study did not provide for apprentices, but did provide for helpers who serve a 2-year training program. Likewise, 1 Roofers local provided for helpers but no apprentices; helpers in this union serve a 3-year period.

Some periods of apprenticeship may be lengthened due to the fact that some unions require applicants for apprenticeship to serve a probationary period before actually being admitted to the apprenticeship program. At the expiration of this trial period, the applicant usually must present to the union a written contract or indenture papers signed by himself, his parent or legal guardian, and the contractor or firm.

11/ Apprentice-journeymen ratios vary a great deal from union to union. For example, national unions contain the following apprentice-journeymen ratios: Asbestos Workers, 1 to 4; Carpenters, an employer who employs 2 or more journeymen may have 1 apprentice; Lathers, 1 apprentice to each local plus 1 apprentice to each 5 journeymen; Painters, mandatory for each local negotiating an agreement to require employers of 8 or more employees to employ at least 1 apprentice and to hire additional apprentices in the proper ratio to the total number of employees in the shop; Plasterers, 1 to 5 suggested ratio by national union; Plumbers, employers employing 1 or more journeymen steadily are permitted to employ 1 apprentice; and Stone Cutters, 1 to 5 in a shop, with a maximum of 5 apprentices in any one shop. The apprentice-journeymen ratio in the Iron Workers was a max. of 1 to 7 for apprentices on structural, reinforcing or rigging jobs, a max. of 1 to 4 for apprentices on ornamental jobs, and 1 apprentice to each journeyman for work on the spinning of cables on suspension bridges. Actually many national union constitutions set maximum requirements on the number of apprentices a local can have, but leave it to the local to establish the actual apprentice-journeymen ratio below the maximum.

Local provisions on apprentice-journeymen ratios will not be discussed separately due to their great diversity and complicatedness. However, they can be summarized as follows: 4 locals specified an apprentice-journeymen ratio of 1 to 5, 1 each specified an apprentice-journeymen ratio of 1 to 3, 1 to 6, and 1 to 7, and 17 locals contained ratios that could not be classified in definite numerical terms and therefore must be classified under "other."

12/ The Asbestos Workers national constitution specifies 4 rates in the minimum amounts of 50, 60, 70, and 80 percent of the mechanic hourly rate for the first, second, third, and fourth years respectively. The Iron Workers constitution specifies 6 rates in the minimum amounts of 60, 70, 75, 80, 85, and 90 percent of the journeyman rate for the first, second, third, fourth, fifth and sixth 1,000 hours respectively. Likewise, the majority of the 19 local constitutions which provided for apprentice wage rates expressed these rates as a percentage of the journeyman rate, with the apprentice rate usually increasing every 6 months until the completion of the apprenticeship and reaching the full journeyman rate.

LMSA/OLMPD
July 1970

Table 3. Provisions on Apprenticeship in the Building Trades Unions as Specified in National Apprenticeship Standards as Approved by the Bureau of Apprenticeship and Training and in Effect July 1970 1/

National Standards 2/	Date of National Standards 3/	Qualifications for apprenticeship								Other provisions on apprenticeship		
		Age 4/	Citizenship 5/	Education 6/	Nondiscrimination clause 7/	Examination 8/	Physical fitness 9/	Other 10/	Selection procedures established by local JAC 11/	Period of apprenticeship 12/	Apprentice-journeymen ratio 13/	Apprentice wage rates 14/
Total	13	13	11	12	11	12	13	11	13	13	3	12
Boilermakers	1956	x	x	x	-	x	x	-	x	x	-	x
Bricklayers	1966	x	x	x	x	x	x	x	x	x	-	x
Carpenters	1967	x	x	x	x	x	x	x	x	x	-	x
Electrical Workers, IBEW	1962	x	-	x	x	x	x	x	x	x	-	x
Operating Engineers	1963	x	x	x	x	x	x	x	x	x	-	-
Iron Workers	1963	x	x	x	x	x	x	x	x	x	x	x
Lathers	1970	x	x	x	x	x	x	x	x	x	x	x
Painters	1967	x	x	x	x	x	x	x	x	x	-	x
Plasterers	1964	x	x	x	-	x	x	-	x	x	-	x
Cement Masons	1969	x	x	-	x	-	x	x	x	x	-	x
Plumbers	1966	x	x	x	x	x	x	x	x	x	-	x
Roofers	1965	x	x	x	x	x	x	x	x	x	-	x
Sheet Metal Workers	1965	x	-	x	x	x	x	x	x	x	x	x

1/ This table includes all the national apprenticeship standards of the national unions affiliated with the Building and Construction Trades Department of the AFL-CIO that have been approved by the Department of Labor's Bureau of Apprenticeship and Training, with the exception of the Glaziers and the Lead Burners.

There have been no national apprenticeship standards approved by the Bureau of Apprenticeship and Training (BAT) for the following building trades unions: Asbestos Workers, Elevator Constructors, Granite Cutters, Marble Polishers, and Stone Cutters.

2/ These are short-form titles as used in U.S. Department of Labor, Register of Reporting Labor Organizations, Labor-Management Services Administration (1968). Complete titles are shown on pp. VII-XV of that publication.

3/ The national standards analyzed are those in effect and on file with BAT as of July 1, 1970.

4/ All crafts included minimum and maximum age requirements. Three, the Lathers, Painters, and Plumbers, specified 16-25. Two, the Plasterers and Cement Masons, were 17-25. The Iron Workers and Roofers were 18-30. The rest were as follows: Sheet Metal Workers, 17-23; Bricklayers, 17-24; Carpenters, 17-27; Electrical Workers, 18-24; Operating Engineers, 18-25; and Boilermakers, 18-26.

These ages could be waived by the local apprenticeship committee for veterans and other special cases in all programs except for the Iron Workers, Plumbers, and Roofers. (Note that the Iron Workers and Roofers have high maximum age requirements.) In 3 cases, the Carpenters, Electrical Workers, and Sheet Metal Workers, there was a maximum extension for military service. For Carpenters the maximum was 32 and for Sheet Metal Workers, 26. In the Electrical Workers, the age of a veteran was considered to be his present age less the number of years served in the armed forces (to a maximum of 4 years).

5/ This is set forth as requiring American citizenship or in the process of naturalization. The Boilermakers also allow Canadian citizenship.

6/ Seven crafts, the Boilermakers, Bricklayers, Carpenters, Lathers, Painters, Plasterers, and Plumbers, provide that the applicant must have sufficient education to satisfactorily complete the required hours of related theoretical instruction with the Plumbers, also strongly recommending a high school diploma.

The remaining 5 crafts, the Electrical Workers, Operating Engineers, Iron Workers, Roofers, and Sheet Metal Workers, require a high school diploma. In addition, the Electrical Workers require a transcript of the high school record, and the Iron Workers specify certain subjects that may be required.

7/ Ten of the 11 which have this provision provide that selection should be done on a nondiscriminatory basis without regard to race, color, creed, or national origin. One, the Painters, simply states that there should be no discrimination in the selection procedures. In addition, 6 crafts, the Bricklayers, Operating Engineers, Iron Workers, Cement Masons, Roofers, and Sheet Metal Workers, also state that selection should not be made on the basis of irrelevant physical handicaps and 2, the Lathers and Cement Masons, add that sex should not be a means of discrimination.

8/ Ten standards, the Boilermakers, Bricklayers, Carpenters, Operating Engineers, Lathers, Painters, Plasterers, Plumbers, Roofers, and Sheet Metal Workers, state that the applicant must satisfy the local JAC that he has the ability and aptitude to perform the rudiments of the trade. In addition to this provision, the Carpenters also require an aptitude test provided by the National JAC, and the Lathers require a test provided by the state employment office.

Two other standards also require examinations. The Iron Workers require specific examinations in mathematics, mechanical drawing and aptitude, both mental and manipulative performance, while the Electrical Workers require a test provided by the National JAC.

9/ This is set forth in all the standards as requiring an applicant to be physically able to perform the work of the trade. In addition, the Iron Workers and Sheet Metal Workers also require a physical examination. The Lathers, Cement Masons, and Plumbers state that an examination may be required, while the Electrical Workers require a record of a physical examination or satisfactory evidence of physical fitness.

10/ Seven programs, the Bricklayers, Carpenters, Operating Engineers, Painters, Cement Masons, Plumbers, and Roofers, state that the applicants are subject to other requirements set up by the local JAC.

Two, the Lathers and Sheet Metal Workers, require residency in the area over which the local JAC and local union have jurisdiction. The Sheet Metal Workers require a 12-month residency, while the Lathers do not specify a definite period of time.

The Electrical Workers also require 6-months employment as a groundsman for apprentices in "outside" employment, while the Iron Workers require an oral interview of each applicant. In addition, the Roofers also require 3 letters of recommendation.

11/ All 13 crafts state that the local JAC shall establish procedures for the selection of apprentices. Seven of the 13, the Operating Engineers, Lathers, Painters, Plasterers, Plumbers, Roofers, and Sheet Metal Workers, recommend specific selection criteria to be used; 5, the Boilermakers, Bricklayers, Carpenters, Iron Workers, and Cement Masons, provide only that local procedures shall be established; and 1, the Electrical Workers, provides that the local "Committee shall examine each applicant for apprenticeship individually and carefully with particular attention to his background, aptitude and suitability."

Four of the 7 crafts which recommend the specific selection criteria to be used, the Operating Engineers, Painters, Plasterers, and Plumbers, state that selection criteria should include past school records, application forms, aptitude tests and appropriate interviewing techniques. The other 3, the Lathers, Roofers, and Sheet Metal Workers, recommend the use of specific evaluation forms which include education, aptitude tests, physical evaluation, work experience, conduct record and an oral interview. In addition, the Sheet Metal Workers add references, the Lathers include points for military service, and the Roofers add military service, residency, references and participation in sports and social activities.

12/ Periods of apprenticeship specified in national standards are: 3 years - Bricklayers, Cement Masons, Plasterers, Roofers; 4 years - Boilermakers; 5 years - Plumbers; minimum 2 years - Lathers; minimum 3 years - Operating Engineers, Iron Workers, Painters (consecutive); minimum 4 years - Carpenters, Sheet Metal Workers; and 3-4 years - Electrical Workers.

13/ Only 3 of the standards, the Iron Workers, the Lathers, and the Sheet Metal Workers, specify an apprentice-journeymen ratio. The Iron Workers allow not more than 1 apprentice for every 7 journeymen on structural reinforcing or rigging, not more than 1 to 4 on ornamental jobs, and 1 apprentice to each journeyman on the spinning of cables on suspension bridges; the Lathers specify a ratio of 1 apprentice to each local union plus 1 for each 5 journeymen members of the local, but allow no more than 1 to 3 on each job; and the Sheet Metal Workers specify a 1 to 4 ratio, but will permit another ratio to be established in a collective bargaining agreement.

The 10 other standards which do not specify a precise apprentice-journeymen ratio state that the apprentice-journeymen ratio shall be established by the local Joint Apprenticeship Committee.

14/ Twelve standards, the Boilermakers, Bricklayers, Carpenters, Electrical Workers, Iron Workers, Lathers, Painters, Plasterers, Cement Masons, Plumbers, Roofers, and Sheet Metal Workers, provide that wages should be a percentage of the prevailing journeyman rate. One, the Operating Engineers, state that wages shall be as determined in the collective bargaining agreement.

Five standards specify the wage rates as follows: Boilermakers specify 8 rates in the minimum amounts of 60, 65, 70, 75, 80, 85, 90 and 95 percent for the first, second, third, fourth, fifth, sixth, seventh and eighth 6-month period, respectively; the Iron Workers at rates of 60, 70, 75, 80, 85 and 90 percent of the journeyman rate for each of the six 6-month periods, respectively; the Lathers, at rates of 50, 60, 65, 70, 75, 80, 85 and 90 percent for each of the eight 3-month periods, respectively; the Plasterers, 45 percent for the first 3 months, 60 percent for the next 3 months, and proceeding at rates of 65, 70, 75, 80 and 90 percent for the remaining five 6-month periods, respectively; and the Sheet Metal Workers at rates of 45, 50, 55, 60, 65, 70, 75 and 80 percent for each of the eight 6-month periods, respectively.

Seven standards, the Bricklayers, Carpenters, Cement Masons, Electrical Workers, Painters, Plumbers, and the Roofers, state that a wage schedule shall be included in the local standards and shall be established on the basis of a progressive percentage of the journeyman's rate, usually advancing at 6-month intervals.

The Electrical Workers, Plumbers, and Roofers also state that the apprentice wage scale cannot average less than 50 percent of the total journeyman wage scale for the apprenticeship period, while the Carpenters add that apprentice wages must average between 50 and 75 percent of the journeyman wage scale.

LMSA/OLMPD
Nov. 1970

Table 4. Provisions on Apprenticeship in the Building Trades Unions as Specified in Local Apprenticeship Standards as Approved by the D.C. Apprenticeship Council, and in Effect July 1970 1/

Local Standards 2/	Date of Local Standards 3/	Qualifications for apprenticeship								Other provisions on apprenticeship		
		Age 4/	Citizenship 5/	Education 6/	Non-discrimination clause 7/	Examination 8/	Physical fitness 9/	Other 10/	Selection procedures 11/	Period of apprenticeship 12/	Apprentice-journeymen ratio 13/	Apprentice wage rates 14/
Total	15	15	14	15	12	5	15	7	15	15	13	14
Asbestos Workers, Local 24	10/68	x	x	x	-	x	x	-	x	x	x	x
Boilermakers, Local 58	5/68	x	x	x	x	x	x	x	x	x	x	x
Bricklayers, Local 1	3/68	x	x	x	x	-	x	-	x	x	x	x
Bricklayers, Local 4	6/70	x	x	x	x	-	x	-	x	x	x	x
Stone & Marble Masons, Local 2	4/69	x	x	x	x	-	x	-	x	x	x	x
Carpenters, (Dist. Council)	11/65	x	x	x	x	x	x	x	x	x	x	-
Electrical Workers, IBEW, Local 26	12/67	x	-	x	x	x	x	-	x	x	-	x
Operating Engineers, Local 77	7/68	x	x	x	-	x	x	-	x	x	x	x
Iron Workers, Local 5	5/70	x	x	x	-	-	x	x	x	x	-	x
Lathers, Local 9	8/68	x	x	x	x	-	x	-	x	x	x	x
Painters, (Dist. Council 51)	5/69	x	x	x	x	-	x	x	x	x	x	x
Plasterers, Local 96	8/68	x	x	x	x	-	x	x	x	x	x	x
Cement Masons, Local 891	9/68	x	x	x	x	-	x	-	x	x	x	x
Plumbers, Local 5	1/68	x	x	x	x	-	x	x	x	x	x	x
Sheet Metal Workers, Local 100	2/68	x	x	x	x	-	x	x	x	x	x	x

1/ This table includes all the local apprenticeship standards of the unions affiliated with the Building and Construction Trades Department of the AFL-CIO that have been approved by the District of Columbia Apprenticeship Council. (Except for Steamfitters Local 602.)

There have been no local apprenticeship standards approved by the D.C. Apprenticeship Council for the following building trades unions: the Elevator Constructors, Granite Cutters, Marble Polishers, Roofers, and Stone Cutters.

2/ These are short-form titles as used in U.S. Department of Labor, Register of Reporting Labor Organizations, Labor-Management Services Administration, 1968. Complete titles are on pp. VII-XV of that publication.

3/ The local standards analyzed are those in effect and on file with the D.C. Apprenticeship Council as of July 1, 1970.

4/ Age requirements usually include a minimum and maximum age. The Lathers, however, specify only a minimum age of 16. The minimum and maximum requirements for the other crafts are as follows: Asbestos Workers, 18-30; Boilermakers, 18-26; Bricklayers (both locals), 17-24; Carpenters, 17-25; Cement Masons, 18-26; Electrical Workers, 18-24; Operating Engineers, 18-24; Iron Workers, 18-25; Painters, 16-26; Plasterers, 18-24; Plumbers, 18-24; Sheet Metal Workers, 17-25; and Stone & Marble Masons, 17-22.

All but 4 unions, the Asbestos Workers, Boilermakers, Iron Workers, and Lathers, allow the maximum age to be extended for veterans. It should be noted that the Asbestos Workers have a high maximum age requirement and the Lathers have no maximum age requirement. In the 11 unions which allow extension of the age requirement, all specify another maximum age. They are as follows: Plasterers and Plumbers, 26; Bricklayers, Local 1, 27; Electricians, Operating Engineers and Painters, 28; Cement Masons and Sheet Metal Workers, 29; Bricklayers Local 4 and Stone & Marble Masons, 30; and Carpenters, 31.

5/ This is set forth as requiring American citizenship or in the process of naturalization.

6/ Nine standards, the Asbestos Workers, Boilermakers, Bricklayers Local 1, Electrical Workers, Operating Engineers Iron Workers, Lathers, Plumbers, and Sheet Metal Workers, require a high school diploma or a certificate of equivalency. Three, the Painters, Plasterers, and Cement Masons, require that the applicant must complete the 10th grade. The Carpenters require a 9th grade education, while the Bricklayers and Stone & Marble Masons specify that the applicant must complete elementary school (8th grade).

7/ All 12 unions which have this provision specify that apprentices shall be selected on qualifications alone and that applicants will be afforded equal opportunity without regard to race, creed, color, or national origin.

In addition, 2 of the 12, the Boilermakers and Electrical Workers, also state that selection shall be made without regard to sex.

8/ Five programs, the Asbestos Workers, Boilermakers, Carpenters, Electrical Workers, and the Operating Engineers, require an aptitude test as a minimum qualification for apprenticeship. Three of the 5, the Asbestos Workers, Carpenters and Operating Engineers, specify that the aptitude test should be taken from the U.S. Employment Service; 1, the Electrical Workers, specified that the test should be taken through the JAC; and 1, the Boilermakers, is silent on where the test should be given. In addition, several other unions include an aptitude test as one of the criteria in their selection procedures; that is, applicants who meet the basic minimum qualifications may be required to take such a test (see footnote 11).

9/ Nine of the 15 local standards, the Bricklayers (both locals), Stone & Marble Masons, Lathers, Painters, Plasterers, Cement Masons, Plumbers, and Sheet Metal Workers, contain the following clause: "Applicant must be physically fit to perform the work of the trade with due regard to aptitude, attitude and personal characteristics." In addition, 7 of the 9, all except the Bricklayers Local 1 and the Stone & Marble Masons, also require applicants to take a medical examination prior to being employed.

The remaining 6 can be classified as follows: the Asbestos Workers require a doctor's certificate and an X-ray report; the Boilermakers state that the applicant shall be required to take a physical examination and shall have no obvious physical handicaps that would prevent performance of work covered by the trade; the Electricians must submit a record of a physical examination; and 3, the Carpenters, Operating Engineers and the Iron Workers, state that the applicant must have the physical ability to perform the work.

10/ Six of the 7 standards required that the applicant must be a resident of the area over which the JAC has jurisdiction. The 6 are the Painters (2 years), Sheet Metal Workers (2 years), Plasterers (1 year), Plumbers (1 year), Carpenters (no time period specified), and the Iron Workers (no time period specified). The seventh, the Boilermakers, required that the applicant indicate no fear of high or hazardous work and agree to pursue the related study courses. The Iron Workers, which specified a residency requirement, also provided that the applicant must agree to work under the provisions of the collective bargaining agreement established between the union and employer.

11/ Nine programs, the Bricklayers (both locals), Stone & Marble Masons, Lathers, Painters, Plasterers, Cement Masons, Plumbers, and Sheet Metal Workers, stated that all apprentices shall be selected in the descending order of ranking and that all applications and records must be kept for a period of 2 years.

Two programs, the Asbestos Workers and Operating Engineers, included a rating system which listed criteria for the selection of applicants. In addition to these 2, 6 of the above programs, the Bricklayers (Locals 1 and 4), Lathers, Painters, Plasterers and the Cement Masons, also contained a rating system for selection. In all these programs, the criteria for rating normally included the applicant's score on an aptitude test, previous work experience, military service, education, physical factors, references and conduct record, and JAC evaluation of interest, character and ability. Although all of the criteria are not found in each program, each contains at least 4 of them. Scores are awarded on the basis of 100; the JAC evaluation typically ranges from 25-35; the scores on the aptitude test, 20-30; military service, 5-15; previous work experience, 5-15; physical factors, 5-15; education, 10-15; and references and conduct record, 5-20. Only 3 specify a passing grade. The Painters and Cement Masons require a score of 70, and the Plasterers, 75.

The remaining 4, the Boilermakers, Carpenters, Electrical Workers and Iron Workers, describe the procedure in some detail, mentioning some of the criteria to be used, but not specifying any numerical value to the criteria.

12/ Periods of apprenticeship specified in local standards are: 3 years - Iron Workers, Stone & Marble Masons; 4 years - Asbestos Workers, Boilermakers, Electrical Workers, Sheet Metal Workers; 5 years - Plumbers; minimum 3 years - Bricklayers (both locals), Cement Masons, Lathers, Painters; minimum 4 years - Carpenters, Plasterers; and 3-4 years (depending upon occupation) - Operating Engineers.

13/ Thirteen of the local standards specify the ratio of apprentices to journeymen. In 10 of the programs it is stated as 1 apprentice for each number of journeymen regularly employed throughout the year. The ratios for these 10 are as follows: Asbestos Workers and Sheet Metal Workers, 1-4; Boilermakers, Bricklayers (both locals), Operating Engineers, Cement Masons and Plumbers, 1-5; Lathers, 1-10, and Plasterers, 1-15. In 3 others, the ratio is more involved. The Stone & Marble Masons specify a ratio of 1-3; however, any employer having less than 3 regularly employed journeymen throughout the year is limited to a maximum of 1 apprentice. The Carpenters apprentice-journeymen ratio can be summarized as follows: after the employment of 2 journeymen, there may be permitted 1 apprentice for up to 5 journeymen; 2 apprentices for 6 to 10 journeymen; 3 for 11 to 20 journeymen; and 1 more for each additional 20 journeymen with the limit of 10 apprentices to any 1 employer. The Painters provide that employers who employ 8 or more journeymen must employ 1 apprentice, and an additional apprentice may be allowed for each additional 5 journeymen provided that the JAC has approved the employer to train apprentices. In no event may any individual contractor employ more than 5 apprentices at any one time.

The 2 local standards which did not contain a specific apprentice-journeymen ratio were the Iron Workers and Electrical Workers. The Iron Workers stated that the ratio shall be in accordance with the current bargaining agreement between the union and employer, while the Electrical Workers stated only that the number of new apprentices is determined on or before June 1st of each calendar year and that the number is based upon the needs of the industry as projected from reliable trends.

14/ Fourteen of the 15 local standards specified the precise apprentice wage rates. The only one that did not was the Carpenters, which stated only that apprentice wage rates would be as set down in the collective bargaining agreement.

In all the 14 local standards which specified apprentice wage rates (except Bricklayers Local 4), the wage rate was stated as a percentage of the journeyman rate as follows: Asbestos Workers specify 4 equal rates in the minimum amounts of 50, 60, 70 and 80 percent of the journeyman rate for each year of the 4-year term, respectively; the Boilermakers, at rates of 60, 65, 70, 75, 80, 85, 90 and 95 percent for each of the eight 6-month periods, respectively; the Bricklayers Local 1, at rates of 50, 60, 69, 75, 83 and 90 percent for each of the six 6-month periods, respectively; the Stone & Marble Masons, at rates of 50, 50, 60, 70, 80 and 90 percent for each of the six 6-month periods, respectively; the Electrical Workers, at rates of 45, 50, 55, 60, 65, 70, 75 and 80 percent for each of the eight 6-month periods, respectively; the Iron Workers specify 6 rates in the minimum amounts of 60, 70, 75, 80, 85 and 90 percent of the journeyman rate for each of the six 6-month periods, respectively; the Lathers, at the rate of 50 percent for the first 90 days, 60 percent for the second 90 days and proceeding at rates of 65, 70, 75, 80 and 85 percent for each of the next five 6-month periods, respectively; the Painters, at rates of 55, 60, 65, 70, 75 and 90 percent for each of the six 6-month periods, respectively; the Plasterers at rates of 45, 50, 55, 60, 65, 70, 75 and 80 percent for each of the eight 8-month periods, respectively; the Cement Masons, at rates of 50, 60, 70, 80, 90 and 95 percent for each of the six 6-month periods, respectively; the Plumbers, at rates of 45, 50, 60, 70 and 80 percent for each year of the 5-year program, respectively; and the Sheet Metal Workers, at rates of 50, 53, 57, 62, 67, 72, 78 and 88 percent for each of the eight 8-month periods, respectively. The standards for the Operating Engineers provide that the wage rate for the universal equipment operator shall be as specified in the collective bargaining agreement; the rate for the Heavy Duty Mechanic shall be 60, 65, 70, 75, 80, 85, 90 and 95 percent for each of the eight 6-month periods, respectively; and the rates for the Grade and Paving Equipment Operator shall be 60, 70, 78, 83, 88 and 95 percent for each of the six 6-month periods, respectively. The apprentice wage rates in Bricklayers Local 4 were expressed in dollars and cents per hour, not as a percentage of the journeyman rate.

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